

ORDER SHEET

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**Cr. Bail App. No. S – 237 of 2024**

Date of hearing	Order with signature of Judge
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**Hearing of bail application**

1. For orders on office objections at Flag-A
2. For hearing of bail application

**27.05.2024**

Mr. Abdullah Rajput, Advocate for applicants along with applicants.  
Mr. Akhtar Ali Bhirejo, Advocate for complainant.  
Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General.

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**Muhammad Iqbal Kalhoro, J. –** As per FIR, on account of private dispute, applicants along with two other accused waylaid complainant party near Village Moula Qadir Bux Lashari on 20.03.2024 when they were coming back to their village after offering *Fatiha* of death of their maternal uncle. Applicant Shouban Ali was armed with a repeater, applicant Qurban Ali was armed with a gun and applicant Ahsan Ali was armed with a *lathi*. They initially abused complainant party and then applicant Shouban fired from his repeater on Wariyal causing him five (05) firearm injuries and applicant Qurban caused fires upon Ashraf causing him three (03) firearm injuries. Ashan also caused *lathi* blows to victims.

2. Applicants' Counsel Mr. Ghulam Mujtaba Sahito is not present but his junior, who is also an enrolled advocate of High Court, has refused to argue the matter. Therefore, I have heard applicants in person, who have submitted that they have been falsely implicated in this case on account of previous enmity, otherwise they have nothing to do with the offence. On the contrary, learned Additional Prosecutor General and Counsel for the complainant have opposed this application.

3. I have considered submissions of parties and perused material available on record. It appears that applicants have been assigned specific role of causing firearm and *lathi* injuries to victims Wariyal and Ashraf. Their role is supported by medico legal certificates and 161 CrPC statements of the witnesses. Injured is present in Court, and he is not even able to walk and still around his injuries bandage is available with blood spots.

4. In view of specific role supported by evidence, applicants are not entitled to extra ordinary relief of pre-arrest bail, which is meant to protect innocent persons only from arrest in a case in which they have been falsely implicated on account of mala fide and ulterior motives, whereas, in this case reasonable grounds exist to *prima facie* show involvement of applicants in the offence.

5. In view of above, no case of pre-arrest bail is made out. Consequently, bail application is **dismissed** and ad-interim pre-arrest bail earlier granted to applicants by this Court, vide order dated 25.04.2024, is hereby **recalled**.

6. The observations, as above, are tentative in nature and not meant to affect merits of the case before the trial Court.

The bail application stands **disposed of** in the above terms.

J U D G E

Abdul Basit