

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-827 & 893 of 2024

DATE ORDER WITH SIGNATURE OF JUDGE

27.08.2024

Mr. Nisar Ahmed Channa advocate along with applicants.
Mr. Samiullah Rind advocate for complainant.
Ms. Rameshan Oad, A.P.G.

ZULFIQAR ALI SANGI, J.- Through these bail applications the applicants seek pre-arrest bail in Crime No.133/2024 registered at P.S. Hatri U/s 324, 337A(i), 337F(iii), 34 PPC.

2. As per FIR, the allegations against present applicants are that they being armed with weapons caused injuries to the complainant party.

3. The bail is sought on the ground that there is two days' delay in registration of FIR; that no empty was recovered from the place of incident; that earlier an FIR available at page 59 was registered against the complainant party and enmity is admitted in FIR; that mother and brother of applicant Rameez Ali filed several applications against the complainant party, therefore, the case of applicants is fit for confirmation of pre-arrest bail.

4. The bail has been opposed by the counsel for complainant and APG on the ground that the applicants are nominated in FIR with specific role of causing injuries to the complainant party and they were earlier also booked in Crime No. 35 of 2023 for committing murder of deceased and while issuing threats to withdraw the case they repeated the offence, therefore, they are not entitled to the confirmation of pre-arrest bail.

5. I have heard learned counsel for the applicant, learned APG and perused the material available on record.

6. From the perusal of record it reflects that earlier an FIR No.35 of 2023 was registered against the applicants party and after grant of bail they have repeated similar nature of offence of causing injuries to the complainant party for withdrawal of earlier case. Nomination of applicants in FIR coupled with the role of causing injuries to the complainant party having motive for withdrawal of the murder case disentitled them for the relief which is extraordinary in nature. No mala fide is pointed out on the part of complainant or the investigating officer for their false involvement.

7. Under such circumstances, the applicants have failed to make out a case for confirmation of their pre-arrest bail, as such, these bail applications are dismissed and interim pre-arrest bails already granted to the applicants vide orders dated 26.07.2024 and 12.08.2024 are recalled.

Ali Haider

JUDGE