

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

Crl. Bail Application No. S - 812 of 2023  
(*Gul Muhammad Korejo Vs. The State*)

---

1. For Orders on office objection.
2. For Orders on MA No. 6904/2023 (Ex.A)
3. Hearing of bail application

**15-04-2024.**

Mr. Ameenuddin Khaskheli, advocate for the applicant  
Mr. Muhammad Suleman Kalhoro, advocate for the complainant  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State

>>>>...<<<<<

1. Over ruled.
2. Granted subject to all just legal exceptions.
3. It is alleged by the prosecution that the applicant with rest of the culprits after having formed an unlawful assembly in prosecution of its common object besides causing fire shot and butt injuries to PWs Nawab, Gulzar and Abdul Rasheed with intention to commit their murder, have committed murder of Rajib @ Kalu by causing him fire shot injury and then went away by committed mischief by causing damage to Tractor and making aerial firing to create harassment, for that the present case was registered.
4. The applicants on having been refused pre-arrest bail by learned Additional Sessions Judge, Moro has sought for the same from this Court by way of instant bail application u/s 498 CrPC.
5. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party only to satisfy its dispute with him over landed property; there is delay of one day in lodgment of the FIR; there is counter

version of the incident; and there is conflict between medical and ocular evidence with regard to seat of the injuries sustained by the deceased; therefore, the applicant is entitled to be admitted to pre-arrest bail on point of further inquiry and *mala fide*. In support of his contention, he relied upon case of *Muhammad Umar Waqas Barkat Ali Vs. The State and another* (2023 SCMR 330).

6. Learned Deputy PG for the State and learned counsel for the complainant have opposed to grant of pre-arrest bail to the applicant by contending that he has actively participated in commission of incident by causing fire shot injury to the deceased. In support of their contention, they relied upon case of *Abu Bakar Siddique Vs. The State & others* (2021 SCMR 5) and *Rashid Ramzan Vs. The State & others* (2022 SCMR 2111).

7. Heard arguments and perused the record.

8. The applicant is named in FIR with an allegation that he with rest of the culprits went over to the complainant party committed murder of the deceased by causing him fire shot injuries; caused fire shot and butt injuries to PWs Nawab, Gulzar and Abdul Rasheed with intention to commit their murder; committed mischief by causing damage to the Tractor by making fires at it and then went away by making aerial firing to create harassment. The specific role of causing fire shot injury to deceased on his abdomen is attributed to the applicant. In that situation it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party only to satisfy its dispute with him over landed property. There may be dispute with regard to the seat of the injury sustained by the deceased but such dispute could hardly be resolved by this Court. The delay in lodgment of the FIR is well explained in FIR itself. There is nothing in FIR of the present case which

may suggest that there is counter version of the incident. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged and no case for grant of pre-arrest bail to him is made out.

9. The case law which is relied upon by learned counsel for the applicant is on distinguishable facts and circumstances of the present case. The FIR of that case was lodged with delay of about six days and accused in that case was found to be in jail for considerable period. In the present case, the accused is seeking pre-arrest bail and delay in lodgment of the FIR by one day is found to be natural.

10. In view of above, the instant bail application is dismissed.

Judge