

ORDER SHEET  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Cr. Bail App. No. S – 122 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

**23.04.2024**

Mr. Shahbaz Hafeez Shahani, Advocate holding brief for Mr. Abdul Raheem Ansari, Advocate for applicant along with applicant.  
Mr. Alam Sher Bozdar, Advocate for complainant.  
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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**Muhammad Iqbal Kalhoro, J. –** I have heard applicant in person as his Counsel has chosen to remain absent despite this case being fixed by the Court today. He has argued that he is innocent, has been falsely implicated in this case due to previous enmity, which is admitted in the FIR. In fact, the complainant party had murdered his relative Ali Jan Jatoi, FIR of which was registered by his relatives. Only to pressurize them to withdraw from their case, this one and three other cases have been registered against him and his relatives. His arguments have been controverted by learned Counsel for the complainant and Deputy Prosecutor General. The latter has stated that applicant has been assigned specific role of causing firearm injury to victim Ayaz Ali, which is supported by medical evidence.

2. FIR shows that there is enmity between the parties and already a number of cases have been registered by them against each other. On the day of incident viz. 29.03.2023, when complainant party was standing outside their house, they were accosted by the applicant and others duly armed with deadly weapons. Applicant is alleged to be armed with a Kalashnikov, from which he fired at victim Ayaz Ali, hitting his abdomen, causing a through and through injury, which as per medical certificate has been opined falling u/s 337-D PPC, punishable for ten years. The specific role assigned to the applicant is not only supported by the medical evidence but the witnesses in their 161 CrPC statements have *prima facie* confirmed it.

3. In view of above, *prima facie*, there are reasonable grounds to believe that applicant is involved in an offence, which falls within prohibitory clause of Section 497(i) CrPC. Concession of pre-arrest bail is an extra ordinary relief, which cannot be granted to an accused in a run-of-mill case, in which *prima facie* sufficient evidence has been collected by the IO to show that he is involved in the offence. Purpose of pre-arrest bail is to protect innocent persons from arrest and concomitant humiliation and disgrace, the basic elements, which are lacking in this case.

4. Therefore, I am of the view that applicant is not entitled to the concession of pre-arrest bail. Consequently, bail application is **dismissed** and ad-interim pre-arrest bail earlier granted to applicant by this Court, vide order dated 28.02.2024, is hereby **recalled**.

5. 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