

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

Criminal Bail Application No.S-1300 of 2024

**DATE**

**ORDER WITH SIGNATURE OF JUDGE**

**20.01.2025**

Applicants are present on bail.

Mr. Muntazir Mehdi Laghari, Advocate for applicants.

Mr. Rashid Ali Manjotho, Advocate for complainant.

Ms. Rameshan Oad, Assistant Prosecutor General, Sindh along-with I.O / SIP  
Kareem Bux Lakho PS Kazi Ahmed.

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**O R D E R**

**AMJAD ALI SAHITO, J.** The applicants are seeking confirmation of their pre-arrest bail in FIR No.339 of 2024, registered under sections 506/2, 337-A(ii), 337-L(ii), 147, 148 and 504 PPC at PS Kazi Ahmed. Earlier learned Additional Sessions Judge-V / Model Criminal Trial Court, Shaheed Benazir Abad had dismissed their pre-arrest bail on 14.11.2024, hence they have approached this Court for same relief.

2. The details and particulars are already available in the bail applications and F.I.R, hence needs not to reproduce the same hereunder.

3. Per learned counsel the applicants/accused are innocent have falsely been implicated in this case due to matrimonial affairs; that general role has been assigned against the applicants / accused who after grant of bail joined the investigation, as such, they are no more required for further investigation. Lastly, he prayed for confirmation of bail.

4. On the other hand, learned counsel for complainant as well as learned APG vehemently opposed the confirmation of bail and state that as per final medico-legal certificate injured Punhal Khan has received six injuries whereas complainant / injured Muhammad Rafique has also received five injuries at the hands of accused Momin Hussain and Gulab, as such, they are not entitled for concession of bail. Lastly, prayed for dismissal of instant bail application.

5. I have heard learned counsel for the parties and have gone through the material available on the record.

6. From perusal of record it reflects that names of all the accused have appeared in the FIR but only specific role has been assigned to applicants / accused Momin Hussain and Gulab as accused Momin Hussain caused six injuries to injured Punhal Khan whereas accused Gulab caused five injuries to injured / complainant Muhammad Rafique. The

ocular evidence finds support from the medical evidence. The PWs in their 161 Cr.P.C statements have supported the version of the complainant. Sufficient material is available on record to connect the aforesaid accused Momin Hussain and Gulab, in the commission of alleged offence. At bail stage only tentative assessment is to be made. Learned counsel for the applicants/accused failed to point out enmity or ill-will to believe that applicants / accused Gulab and Momin Hussain have falsely been implicated in this case. Resultantly instant Criminal Bail Application to their extent is **dismissed** and interim pre-arrest bail already granted to aforesaid accused Gulab and Momin Hussain vide order dated 04.12.2024 is hereby **recalled**.

7. Reverting to the case of applicants Javed Ali, Akram Ali, Ali Solangi and Zuhaib Ali whose mere presence have been shown at place of occurrence in the commission of alleged offence, as such, it is yet to be seen that whether above named accused were actually present at place of occurrence and shared common intention or not when evidence will be recorded before the learned Trial Court, therefore, their case becomes the case of further inquiry in terms of sub-section (2) of section 497 Cr.P.C, hence instant Criminal Bail Application to their extent is **allowed** and interim pre-arrest bail already granted to them vide order dated 04.12.2024 is hereby **confirmed** on same terms and conditions.

8. Needless to mention here that the observations made hereinabove are tentative in nature would not prejudice the case of either party at trial.