

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

Criminal Bail Application No.S-1319 of 2024

Applicants : Deedar Ali and Muhammad Yaseen Panhwar
through Mr. Safdar Ali Charan, Advocate.

Respondent : The State through Mr. Irfan Ali Talpur A.P.G. Sindh
along with ASI Nazar Ali Laghari PS Johi.

Complainant : Haji Panhwar through Mr. Irfan Ali Khaskheli,
Advocate.

Date of hearing : 13.01.2025.

Date of Order : 13.01.2025.

ORDER.

Amjad Ali Sahito, J:- Through instant bail application, the applicants/accused namely, Deedar Ali and Muhammad Yaseen Panhwar seek pre-arrest bail in Crime No.146/2024, registered at Police Station Johi for the offence under section 324, 147, 148, 149, 504, 114 PPC. Earlier the bail plea of the applicants/accused was declined by the learned Additional Sessions Judge-II, Dadu vide order dated 28.11.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicants contends that the applicants are innocent and have falsely been implicated in this case due to reason that previously FIR was registered against them for murder of sister of the applicants. He further submits that there exists enmity between the parties, as such, false implication cannot be ruled out. He also submits that previously FIR was registered against the applicants by the complainant party and now they have been acquitted by the learned trial Court and there is no knowledge who has caused injuries to the complainant and his son. Lastly he prayed for grant of bail to the applicants.

4. On the other hand, learned counsel appearing on behalf of complainant vehemently opposes the grant of bail to the applicants and contends that in fact they have committed murder of their own sister and applicant Deedar lodged an FIR bearing crime No.73/2022 at PS Johi against the brother of complainant and others; however, and during course of investigation, it was surfaced that the complainant party committed murder of

deceased. He contends that six FIRs have been registered against the applicants' party. The applicants/accused are nominated in FIR with their specific role of causing Danda and fire arm injuries to injured Haji and Farooque with intention to commit their murder and the witnesses in their statements u/s 161 Cr.P.C. have supported the version of complainant. He further contends that medical evidence also supports the case of complainant. He further contends that the enmity is always considered double edge weapon which cuts both ways. Learned counsel lastly contends that relief of pre-arrest bail is an extraordinary relief and the applicants are not entitled for such relief; therefore, their pre-arrest bail application may be dismissed.

5. Learned A.P.G. Sindh contends that names of applicants appears in the FIR with specific role, as such, they are not entitled for concession of bail. Complainant present in person also vehemently opposes the grant of bail to the applicants.

6. Heard and perused the record.

7. Upon perusal of the record, it appears that previously the applicant Deedar Ali lodged an FIR bearing No.73/2022 at PS Johi under sections 302, 148, 149, 504, 114, 337-H (ii) PPC against the brother of complainant and others for committing murder of his sister Mst. Haleeman. It also appears that after investigation of the said offence, the Investigating Officer released the nominated accused while came to the conclusion that the applicant Deedar including Rafique Ahmed, Shabbir, Gul and Saddam Hussain have committed the murder of deceased and in final report under section 173 Cr.P.C. and the charge sheet was accepted and cognizance was taken against the said accused persons. In such circumstances, the credibility of applicants is in question. Allegedly the applicant Yaseen inflicted Danda blow to complainant Haji on his head, while applicant Deedar caused firearm injuries to PW Farooque on his both leg knees and as per medical certificate the injuries are falling under sections 337-A (ii) and 337-F (vi) PPC. *Prima facie*, the ocular version of complainant is fully supported by the witnesses in their 161 Cr.P.C. statements as well as the medical version is in line with the ocular account. The complainant has adequately explained the delay in registering the FIR, stating that he was busy for the treatment of the injured at the hospital. However, the police were promptly informed about the incident. *Prima facie*, there is sufficient material available on record to connect the applicants with the commission of crime.

8. Taking into consideration all attending factual position as discussed above, *prima facie*, there appears to be no *mala fide* objective on the part of the complainant's party. It is also a well-established legal principle that, at the bail stage, only a tentative assessment of the case is to be made.

9. In view of the above facts and circumstances, learned counsel for the applicants has failed to make out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. Consequently, instant criminal bail application is **dismissed** and resultantly, interim pre-arrest bail granting order dated **09.12.2024** is hereby recalled.

10. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Abdullah Channa/PS