

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

Criminal Bail Application No.S-1310 of 2024

Applicant : Gul Sher present on interim pre-arrest bail through Ghulam Shabbir Sand, Advocate.

Respondent : The State through Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Complainant : None present.

Date of hearing : 19.12.2024.

Date of Order : 19.12.2024.

ORDER.

Amjad Ali Sahito, J:- Through instant bail application, the applicant/accused namely, Gul Sher seeks pre-arrest bail in Crime No.39/2024, registered at Police Station Mari Jalbani District Shaheed Benazirabad for the offence under sections 337-A (i), 337-F (i), 337-F (vi), 506/2 PPC. Earlier the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-VI, Sakrand vide order dated 29.11.2024.

2. The details of the FIR are included in the bail application and its attached copy, so there is no need to restate them here.

2. On the last date of hearing, applicant was admitted to interim pre-arrest bail and in presence of the applicant; the matter was adjourned for today. Today, the applicant Gul Sher called absent. The learned counsel for the parties was directed to proceed with the case. However, Mr. Ghulam Shabbir Sand, learned counsel present stated that he is holding brief for Mr.Altaf Hussain Rind advocate and who will proceed the matter. His request was declined. However, with the assistance of the learned A.P.G. Sindh, I have perused the record and intend to decide the bail application.

3. It reflects that the name of the applicant appears in the FIR with specific role that he along with co-accused Ghulam Rasool duly armed with hatchet and iron rods entered into the house of complainant party and they attacked upon the complainant party; resultantly complainant and his brother sustained injuries on their heads and other parts of the body so also Mst.Sutabi sustained injury on her left arm. It further reflects that applicant by pointing hatchet upon the complainant threatened him that if he will not give amount incurred by him on the condolence and other formalities on the occasion of the death of complainant's nephew Gulzar he kill the complainant. The applicant has not alleged any enmity or *mala fide* on the part of the

complainant, which could suggest that the allegations are false. The act of applicant and co-accused demonstrate a clear case of highhandedness. They illegally entered into the house of complainant and caused serious injuries to the complainant and his brother, both of whom were in imminent danger of losing their lives and the severity of the injuries inflicted could have resulted in fatalities, but fortunately, the complainant and his brother survived.

4. In view of the above facts and circumstances, the applicant/accused 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 the interim pre-arrest bail granted earlier vide order dated 06.12.2024 is hereby recalled.

JUDGE

Abdullah Channa/PS