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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
Crl. Bail Appln. No.S-518 of 2015.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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**FOR HEARING.**

**28.11.2016.**

Mr. Rafique Ahmed K. Abro, advocate for the applicants.

All the applicants are present except applicant No.8, Makhan son of Gul.

Mr. Khadim Hussain Khooharo, D.P.G.

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Through instant Crl. Bail Application, the applicants No.1 to 07 and 09 to 16, seek pre arrest bail in Crime No.22/2015 registered at Police station Ketti Mumtaz, under section 382, PPC. Their earlier bail application bearing Crl. Bail Appln. No.1130/2015 was heard by the learned Sessions Judge, Larkana, which was dismissed vide order dated 10.10.2015.

It is pertinent to mention here that applicant No.08, namely, Makhan son of Gul was also admitted to interim pre arrest bail along with other applicants/accused but later on he remained absent and notice to his surety was issued. On 27.06.2016, the surety sought time to produce applicant Makhan but on the next date of hearing i.e. 15.07.2016, the applicant could not be produced by the surety and on that date he requested for time to deposit the surety amount and accordingly three weeks time was granted to him. On 05.08.2016, bail bond of applicant/accused No.8, Makhan was forfeited and surety was directed to deposit the surety amount of Rs.20,000/-. On 23.09.2016, as per statement of learned counsel for the applicant, the forfeited amount was deposited by the surety.

So far the allegation against the applicants No.1 to 07 and 09 to 16, is concerned, it is alleged in the aforementioned FIR lodged by Mst. Hoor Khatoon, wife of Qurban Ali, that on 25.08.2015, the said applicants/accused committed theft of total 15 he-goats and she-goats worth Rs.400,000/-.

Learned counsel for the applicants has mainly contended that the applicants/accused are innocent and have falsely been implicated in this case. He has further contended that there is delay of twenty one days in lodging the FIR for which no


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plausible explanation has been furnished by the complainant party. He further added that husband of the complainant in the year 2012 had purchased agricultural land from the applicant/accused Suhib Ali alias Muhib Ali, through agreement dated 11.09.2012 and against that some amount was paid at the time of execution of sale agreement and some amount was outstanding against the husband of the complainant. He has further contended that the applicants party was persistently demanding outstanding amount from the husband of the complainant who initially kept them on false hopes and thereafter handed over 36 goats in <sup>7</sup> Lieu of said consideration amount but after passing some time, the complainant party, husband of the complainant, became dishonest and started issuing threats to the applicants/accused for which cousin of the applicant/accused No.7, namely, Abdul Rasheed, moved such applications to DIGP Larkana, SSP Larkana and SHO PS Ketty Mumtaz, photo-copy thereof has been filed which is available at Court file as annexure-D, page 77.

Learned D.P.G admitting the facts that there is delay of twenty one days in lodging the FIR; the alleged incident has been shown to have occurred on 04.08.2015 and FIR was recorded on 25.08.2015 while the applicants party moved application with DIGP Larkana on 11.08.2015, which is earlier to the lodging of the FIR, records his no objection for the confirmation of bail.

It is an admitted fact that FIR has been registered after the delay of twenty one days for which no plausible explanation has been furnished and before lodging of the FIR, the applicants party had already moved an application to DIGP Larkana, which shows that there is dispute between the applicants/accused and the complainant party over the sale and purchase of some agricultural land and handing over possession of 36 goats for adjustment of part payment of the sale consideration. The matter is of further enquiry. Even otherwise, the alleged offence does not fall within the prohibitory clause of section 497(1), Cr.P.C.

For considering the above mentioned facts and circumstances, ad-interim bail granted to the applicants No.1 to 07 and 9 to 16, vide order dated 19.10.2015 is hereby confirmed on the same terms and conditions.

  
Judge 28/11/2016