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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA,  
1<sup>st</sup> Cr. Bail Appln. No. S- 573 of 2015.

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<u>Date</u>	<u>Order with signature of Hon'ble Judge</u>
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For hearing of bail application.

16.3.2018.

Mr. Muhammad Ashique Dhamrah, advocate alongwith the applicants.

Mr. Irfan Badar Abbasi, advocate for the complainant.

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Applicants are seeking pre arrest bail in FIR No.197/2012 registered at Police Station, Ratodero U/S 324, 148, 147, 114, 337-H(2) PPC.

Initially this application was filed by four accused however, during its pendency applicant/accused Abdul Rasool died and such information was communicated to this Court which is duly recorded in the orders dated 16.10.2017 and 29.11.2017.

The contents of FIR indicate that the applicants are shown to be armed with pistols and have made direct fires at P.W Inayatullah and complainant. Resultantly P.W Inayatullah has sustained multiple firearm injuries, whereas the complainant has received one firearm injury on his leg.

Learned counsel for the applicants has argued that the applicants have been falsely implicated in this case due to enmity between the parties; that oral account of the incident is not supported by the medical evidence; that the offence does not fall within prohibitory clause of section 497 Cr.P.C; that there are general allegations against the applicants which in view of the fact that there is enmity between the parties, require further enquiry and the false implication of the applicants can not be ruled out. In support of his contentions, he has relied upon cases reported in 2015 SCMR 879, 2014 SCMR 1349, 2012 SCMR 1955, 2012 SCMR 1137 and 2011 P.Cr.L.J 361.


On the other hand, learned counsel for the complainant and learned Addl.P.G. have opposed grant of bail to the applicants.

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I have considered the submission, perused the material including the case law cited at the bail.

The applicants are nominated in the FIR with specific role of directly firing at complainant and P.W Inayatullah who sustained multiple firearm injuries, which are supported by the medical evidence. Therefore, the ingredients of Section 324 PPC are prima facie attracted. The applicants have not been able to show that they have been falsely implicated in this case with malafide and out of ulterior motives. This is an application for bail, wherein only tentative assessment is to be made. Any anomaly between the medical evidence and ocular account can not be appreciated at the stage of bail as it requires deeper appreciation. The main object of pre arrest bail is to safeguard the innocent people from being arrested in false cases which does not seem to be the case here. In my view, the applicants are not entitled to extra ordinary concession of pre arrest bail. Consequently, this bail application is dismissed. Interim order dated 17.11.2015 granting ad interim pre arrest bail to the applicants is hereby recalled.

  
JUDGE 16-3-2018