

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

1st Cr. Bail Appln. No.D- 20 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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- 1.For orders on office objection as flag A.
- 2.For hearing of bail Application.

Present:

Mr. Justice Amjad Ali Sahito.
Mr. Justice Jan Ali Junejo.

08.5.2025.

Mr. Habibullah G. Ghouri, advocate for the applicants.

Mr. Aitbar Ali Bullo, D.P.G.

O R D E R.

JAN ALI JUNEJO -J.:- Through this application, the applicants are seeking post arrest bail in Crime No.25 of 2025 of P.S Rehmatpur District Larkana registered for an offence under Section 385, 387 PPC r/w Section 6/7 ATA 1997, after their bail plea was dismissed by learned Trial Court vide impugned order dated 25.3.2025.

Facts of the case, as unfolded in the FIR, are that on 10.3.2025 police party headed by ASI Ghulam Serwer Shah while on patrolling received spy information that some persons are demanding Bhatta from Dr.Vijay Kumar at his clinic located in Nazar Muhalla Larkana. On such information, police party reached at the pointed place and saw accused persons namely Mashooque, Zafarullah both arms with K.Ks, Deedar and one unknown accused armed with pistols were making indiscriminate firing upon the clinic and the accused persons on seeing police party stopped firing and fled away in narrow street. Thereafter, police party enquired about incident from Dr.Vijay Kumar, who narrated the facts that accused Mashooque, Deedar, Zafarullah and one unidentified person came to his clinic and demanded Bhatta of Rs.2 Crores from him while extending threats of murder and on his refusal they resorted to indiscriminate firing upon his clinic creating terror in the area. He further told police that he is

not feeling well and unable to register FIR and left in rikshaw. Subsequently FIR was lodged on behalf of State.

Learned counsel for the applicant submits that though the applicants are named in the FIR but only role attributed to them is that they made indiscriminate firing upon clinic of Dr.Vijay Kumar while extending him threats of murder but no body received any injury; all the prosecution witnesses are police personnel; no such incident has taken place as alleged in the FIR but in fact prior to this, applicant Mashooque had taken his ailing wife Mr. Reshma to Dr.Vijay Kumar and she died due to his improper treatment. He further argued that applicant had also moved complaints against Dr.Vijay Kumar to Registrar, Pakistan Medical Commission, Islamabad followed by legal notice as well as application under Section 22 A and B Cr.P.C, hence the applicants have been falsely implicated in the background of previous dispute in order to pressurize applicants to withdraw above complaints. On these submissions, he urged that the prosecution case against the applicants calls for further enquiry.

Learned D.P.G while supporting impugned order has opposed the grant of bail.

We have heard learned counsel for the respective parties and perused the material brought on record.

Perusal of record reflects that applicants are named in the FIR with role of demanding Bhatta/extortion from Dr.Vijay Kumar while extending threats of murder and on his refusal caused indiscriminate firing upon his clinic. Prosecution witnesses have supported the version of complainant. Record further reflects that on 01.10.2024 Applicant Mashooque had moved complaint to Registrar, Pakistan Medical Commission, Islamabad and police authority alleging therein that Dr.Vijay Kumar is providing improper treatment to patients of different diseases without having specialization in those fields. Applicant Mashooque also alleged that due to improper treatment given by Dr.Vijay Kumar to his wife Mst.Reshma she died. He also served legal notice upon Dr. Vijay Kumar which was replied by him accordingly in which while denying allegations he stated that applicant Mashooque kept on regular treatment of his wife for two weeks and reported improvement and all of sudden claimed her death due to improper treatment without disclosing any date of death and

even did not disclose as to who suggested him the treatment given by him was wrong. Admittedly applicant Mashooque is an uneducated person and not an expert. It seems that initially applicant Mashooque moved complaints against Dr.Vijay Kumar in order to blackmail him and then applicants demanded Bhatta from him while extending threats of murder and on his refusal they caused indiscriminate firing whereby committed an offence punishable upto seven years with fine. Learned counsel for the applicants has failed to plead malafide and ill will on the part of police party. On our tentative assessment, sufficient material is available on record to connect the applicants with the commission of crime which is crime against society. Reliance can be placed upon the case of ***Mrs. Riaz Qayyum Vs. The State (2004 SCMR 1889)*** which is reproduced as under:-

“It is settled principle of law that an elaborate sifting of evidence cannot be made at the time of deciding bail application but only tentative assessment of the same is to be made. Thus, *prima facie* there appears to be a reasonable ground disentitling the petitioner’s husband, namely, Khalifa Abdul Qayyum, to the concession of bail.”

In view of above, we are of the considered view that applicants have failed to make out case under subsection 2 of section 497 Cr.P.C. Resultantly instant bail application is dismissed.

Needless to mention that the observations made herein above are tentative in nature and would not prejudice the case of either party at trial.

JUDGE

JUDGE

Shabir/P.S