

ORDER SHEET

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

1ST Cr. Bail Appln.No.S- 297 of 2025.

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

- 1.For orders on office objection as flag A.
- 2.For hearing of bail application.

7.7.2025.

Mr.Mohammad Ali Pirzada, advocate for the applicant.

Mr. Nazeer Ahmed Bangwar, D.P.G.

Mr. Abdul Rehman Bhutto, advocate for the complainant.

ORDER

KHALID HUSSAIN SHAHANI-J.: Through the instant bail application, the applicant Bashir Ahmed seeks confirmation of pre-arrest bail in Crime No. 05 of 2025 registered at Police Station Mahi Makol, offence u/s 324, 114, 337-A(i), 337-F(i), 337-H(ii), 147, and 148 PPC. The applicant's request for confirmation of interim pre-arrest bail was earlier declined by the learned trial Court vide order dated 03.03.2025.

2. As per the prosecution's version, the applicant, armed with a pistol, was one of twelve accused named in the FIR, all allegedly armed with firearms and blunt weapons, who purportedly attacked the complainant party. The specific role attributed to the applicant is that he fired at PW Imran Ali, causing an injury to his left knee, while the co-accused are alleged to have inflicted danda blows upon other prosecution witnesses.

3. Learned counsel for the applicant has contended that the applicant is innocent and has been falsely implicated due to a prior

enmity between the parties, which is acknowledged in the FIR itself. He further submits that the injury allegedly caused by the applicant falls under Section 337-F(iii) PPC, which though not bailable, carries a maximum sentence of three years. It is also pointed out that there exists a counter-version of the incident, as an FIR arising from the same occurrence, date, and time has been lodged by the applicant's brother against the present complainant and others. Thus, the question as to which party was the aggressor remains to be determined during trial. Additionally, the complainant has submitted a statement before this Court, expressing no objection to the grant of bail to the present applicant, which considerably undermines the strength of the prosecution's case.

4. Conversely, the learned Deputy Prosecutor General has opposed the grant of bail, arguing that the applicant has been assigned a specific role of causing firearm injury. Learned counsel for the complainant has filed vakalatnama and adopted the complainant's no-objection stance in this regard.

5. I have heard the learned counsel for the parties and examined the material available on record. The name of the applicant is admittedly mentioned in the FIR, and the injury attributed to him is one to the left knee of PW Imran Ali. As per the medico-legal report, the injury falls within the scope of Section 337-F(iii) PPC, which is punishable with imprisonment of up to three years. The presence of admitted enmity between the parties, coupled with a counter FIR lodged by the applicant's brother against the complainant and others regarding the same incident, date, and time, raises a plausible inference of false implication. The determination of vicarious liability under Sections 148 and 149 PPC, as well as the applicability of Section 324 PPC, would

require deeper appreciation of evidence, which can only be undertaken at the time of trial. Furthermore, the complainant's statement of no objection to the grant of bail indicates either a compromise or diminished intent to prosecute the applicant. These cumulative circumstances bring the case within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C.

6. In view of the above, the applicant has succeeded in making out a case for confirmation of pre-arrest bail. Accordingly, the interim pre-arrest bail earlier granted to the applicant vide order dated 04.06.2025 is hereby confirmed on the same terms and conditions.

7. Needless to observe that the findings made herein are tentative in nature and shall not influence the trial Court at the time of final adjudication of the case.

JUDGE

Asghar Altaf/P.A