

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Appln. No. S-425 of 2025

Applicant	Ghulam Shabir s/o Rasool Bux Kakepoto, Through Mr. Jawaid Ahmed Mahar, advocate
Complainant	Fayaz Ahmed Through Mr. Abdul Rehman A. Bhutto, advocate
Complainant	The State Through Mr. Nazeer Ahmed Bhangwar, D.P.G for the State
Date of hearing	02-10-2025
Date of order	02-10-2025

ORDER

SHAMSUDDIN ABBASI, J.- Through instant Criminal Bail Application, applicant/accused Ghulam Shabir Kakepoto seeks his admission to post-arrest-bail in Crime No.108/2025, for offence U/S 324, 114, 506/2, 504, 148, 149 P.P.C, registered with Police Station New Foujdari, Shikarpur, after rejection of his bail plea by the learned I-Additional Sessions Judge, Shikarpur vide order dated 19.07.2025.

2. It is alleged in the F.I.R that applicant came at the scene of offence along with other accused and caused fire arm injury to complainant on his right leg, hence this F.I.R has been lodged.

3. Learned counsel for the applicant submits that applicant is Government employee and there is murderous enmity between the parties and he has been falsely implicated in this case due to murderous enmity; that there is no overt act and the injury sustained by the complainant was declared as Jurh Ghyr Jaifah Muttalima, which is punishable for three years; that the applicability of Section 324 P.P.C is yet to be determined at the time of trial. He has prayed for grant of post-arrest bail to the applicant/accused.

4. On the other hand, learned D.P.G. assisted by learned counsel for the complainant has opposed for grant of bail on the ground that applicant is nominated in the F.I.R with specific role for causing fire arm injury to injured on his right leg; during investigation weapon was recovered and was sent to F.S.L report and report is positive; ocular version is supported by medical evidence, therefore, he is not entitled for grant of post-arrest bail.

5. Heard learned counsel for the applicant, learned counsel for the complainant, learned D.P.G. and perused the material available on the record.

6. No doubt the applicant is nominated in the F.I.R with specific role of causing fire arm injury to complainant on his lower part of right leg which is non-vital part of body and no overt act has been assigned to him. In the present circumstances, applicability of Section 324 P.P.C is yet to be determined at the trial. The injury sustained by the injured was declared as Jurh Ghyr Jaifah Muttlahima, U/S 337-F(iii) P.P.C, which is punishable for three years and offence does not come within the ambit of Section 497 Cr.P.C. The reliance is placed on the case law reported as ***Jamaluddin and another versus The State (2023 SCMR 1243)***, in which, Hon'ble Supreme Court has held as under:-

"The complainant and the injured P.W received injuries on the non-vital parts of the body and the petitioners did not repeat the fire despite having ample opportunity to do so."

7. Accordingly, instant criminal bail application is allowed. The applicant is admitted on post-arrest bail subject to furnishing solvent surety in the sum of Rs. 100,000/- (Rupees one hundred Thousand only) and P.R bond in the like amount to the satisfaction of learned trial Court.

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

JUDGE

Abdul Salam/P.A