

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT, LARKANA
Cri. Bail Appln. No S-325 of 2021

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection.
2. For hearing of Bail Application.

Mr. Mazhar Ali Bhutto, advocate for the applicant, along with applicant

Mr. Ali Anwar Kandhro, Additional Prosecutor General

Date of Hearing 25.08.2021
Date of decision 25.08.2021

ORDER

Omar Sial, J.- Sikandar Ali, Aijaz Ali, Sajjad Ali, Mashooq Ali and Rano have all sought pre-arrest bail in Crime No.21 of 2021 registered under sections 354-A (which was subsequently converted to 354, PPC), 452, 506/2, 337-F(i), 337-H(ii), 147 and 149, P.P.C. at the Airport police station. Earlier, their bail applications were dismissed by the learned 3rd Additional Sessions Judge, Larkana on 17.7.2021.

2. Mst. Bachal lodged the above F.I.R. on 12-7-2021 reporting an incident that had occurred on 17.6.2021. She recorded that the applicants would often ask her to become their friend and that she would report their advances to the *nek mards* of the village. On 17-6-2021 she was in her house when the applicants broke into her house. Applicants Aijaz Ali and Sajjad Ali held her by her arms and tied her with a cot. Applicants Sikandar and Mashooq hit her legs with the lathis they had brought. Applicant Rano and Mashooq tore her clothes and Aijaz and Sajjad made aerial firing. They then left the premises.

3. I have heard the learned counsel for the applicants as well as the learned DPG. The complainant did not effect an appearance despite notice. My observations and findings are as follows.

4. Upon a tentative assessment of the allegations recorded in the F.I.R. I am not convinced at this preliminary stage of their accuracy and veracity. Prima facie they appear unnatural and exaggerated. Ostensibly,

as argued by the learned counsel, a submission not rebutted, the complainant and all the applicants are closely related and live in the same house. Evidence at trial will reveal the true position. Offences under section 354, 337-F(i) and 337-(H)(ii) are allailable. Whereas, trespass and threats that were extended will need to be proved at trial, as there appears to be no neutral and independent witness in this case. The investigating officer of the case informed the court that there is no other evidence apart from the statements of two brothers of the complainant. The brothers standing as bystanders watching the whole event unfold also sounds unnatural. The clothes ostensibly torn were not even seen by the investigating officer let alone seized under a memo. It was not until the next day that the complainant went to the doctor to have herself examined and the medical report too does not reveal any serious injury sustained. The timings of the incident and the medical checkup also *prima facie* do not reconcile. In view of the apparent acrimony between the parties *malafide* cannot be outright ruled out at this stage

5. For the above reasons the interim pre-arrest bail granted to the applicants earlier is confirmed on the same terms and conditions.


JUDGE