

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Crl. Bail Application No. S- 169/2024.

Date of hearing	Order with signature of Judge
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- 1. For orders on office objection at Flag ‘A’.
- 2. For hearing of bail application.

**ORDER.**  
**30.09.2024.**

Mr. Ghulam Raza Shah, Advocate for Applicant.  
Syed Sardar Ali Shah, Additional Prosecutor General.

**MEHMOOD A. KHAN J.,** Through this order, I intend to dispose of pre-arrest bail application filed on behalf of applicant/accused Abdul Ghani son of Bisharat bycaste Gabol in crime No.69/2023, offence under sections 324, 34 PPC of Police Station Khanpur Mahar, District Ghotki. Prior to this, the applicant/accused named above filed such application for grant of pre-arrest bail but the same was turned down by learned Additional Sessions Judge-III Ghotki vide order dated 08.07.2023 hence he has filed instant bail application.

2. The case of prosecution case in nut shell is that on 21.06.2023 applicant/accused Abdul Ghani duly armed with Repeater along with co-accused in furtherance of their common intention went to the land of complainant Yar Muhammad where complainant party was ploughing tractor in their land, at about 8.00 a.m it is alleged that present applicant Abdul Ghani made direct fire from Repeater which was received by PW Meharuddin, then accused run away

ultimately complainant went to Police Station Khanpur Mahar where lodged FIR.

3. Learned counsel for applicant submits that applicant/accused is innocent and has falsely been implicated in this case due to dispute over landed property. He further submits that the complainant has enmity over landed property with accused party which is admitted by complainant himself in the FIR and there is no allegation of causing fire shot upon complainant or his son Waseem Akram when the complainant and his son were present at the place of incident but the injury allegedly sustained by Meharuddin who is said to be paternal nephew of complainant. That in the medical certificate of injured Meharuddin shows that the injury sustained by him falls under section 337-F(iii) PPC which does not fall under prohibitory clause of section 497 Cr.P.C hence the case against the applicant/accused calls for further enquiry and the applicant is entitled for confirmation of pre-arrest bail.

4. On the other hand learned Deputy Prosecutor General conceded for confirmation of pre-arrest bail to the applicant/accused on the ground that punishment of injury falling under section 337-F(iii) PPC is upto three years and the same does not come under prohibitory clause of section 497 Cr.P.C.

5. Having heard learned counsel for applicant/accused learned D.P.G and gone through the record.

6. Admittedly there is enmity over landed property between complainant and the accused persons. At the place of vardat the complainant Yar Muhammad and his son Waseem Akram were present but no fire arm injury was sustained by

complainant or his son when there was enmity between the parties over landed property. The injury allegedly sustained by Meharuddin paternal nephew of complainant is on right side of his chest has been declared in the final medical certificate issued by M.L.O as Ghair Jaifah Mutalihimah which falls under section 337-(iii) PPC which is punishable upto three years and the same does not fall under prohibitory clause of section 497 Cr.P.C. The applicant/accused Abdul Ghani is found entitled for confirmation of pre-arrest bail.

7. In view of above discussion, learned counsel for the applicant/accused has made out a good case for confirmation of bail in the light of sub section (2) of Section 497 CrPC, hence interim pre arrest bail already granted to the applicant/accused Abdul Ghani is hereby confirmed on same terms and conditions.

8. Needless to mention that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

9. The bail application stands disposed of in the above terms.

**J U D G E**

Irfan/P.A