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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.143-K of 2021

(Against the judgment dated 22.10.2021 passed by the High Court of Sindh Hyderabad Cr. Bail Application No.S-733 of 2021)

Ghulam Qadir

...Petitioner(s)

Versus

The State

...Respondent(s)

For the Petitioner(s):

Ms. Abida Parveen Channar, ASC/AOR
with petitioner.

For the State:

N.R.

Date of hearing:

25.11.2021.

ORDER

Qazi Muhammad Amin Ahmed, J.- Apprehending arrest in a case of murderous assault, Ghulam Qadir, petitioner, unsuccessfully attempted for bail in anticipation thereto; lastly on 22.10.2021 before a learned Judge-in-Chamber of the High Court of Sindh, Circuit Court Hyderabad.

According to the prosecution, on the eventful day i.e. 12.8.2021, accompanied by co-accused, each differently armed, the petitioner in the backdrop of a trivial dispute, inflicted a club blow to Manzoor PW while the co-accused targeted Muhammad Ibrahim and Shaman; medico legal reports confirmed receipt of multiple injuries by the witnesses.

3. Pleading denial and innocence, learned counsel for the petitioner contends that it is a case of wider net wherein each able-bodied member of the opponent side has been taken on board to face the rigors of an unjust prosecution, however, she concedes that according to the investigation, henceforth conducted, the Investigating Officer has not yet ruled out his participation in the crime; she has lastly referred to a delay of no less than five days in registration of the

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case to conclude that the intended arrest is not free from the taints of *mala fide*.

2. Heard. Record perused.

3. Contents of the First Information Report supported by the statements of the witnesses and findings recorded by the Medical Officer run counter to the hypothesis of denial. Though the formal First Information Report was recorded on 17.8.2021, however, the injured with extensive injuries were medically examined under police dockets on 13.8.2021; according to the provisional medico legal certificates, they had reached hospital on 12.8.2021 at 6:00 p.m. just half an hour after the incident and, thus, delay in formal registration of the case, a phenomena hardly unusual, does not raise eyebrows. Even otherwise, in the absence of any apparent *mala fide* on part of the complainant or the local police, the petitioner cannot claim extraordinary/equitable concession of pre-arrest bail in a criminal case wherein no less than three persons endured multiple injuries, one being an incised wound on the back of neck with exposed bone. Arguments addressed by the learned counsel, being part of post arrest agenda, cannot be attended at pre-arrest bail stage, certainly not a substitute for post arrest bail. The High Court as well as the Court of Session, on the assessment of above referred to material, rightly declined judicial protection to the petitioner. Petition fails. Leave declined.

Chief Justice

Judge

Judge

Karachi, the
25th November, 2021
Azmat/-