

## IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

### Crl. Bail Application No. S- 720 of 2020

- 1.For orders on o/objection.
- 2.For hearing of bail application.

Mr. Waseem Ahmed Keerio Advocate for Applicant/Accused.  
Mr. Muhammad Tariq Maitlo Advocate for Complainant.  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

**Date of Hearing: 15-02-2021**  
**Date of Order: 15-02-2021**

### **ORDER**

**Aftab Ahmed Gorar J.** On dismissal of his Bail Application by learned Additional Sessions Judge-IV, Khairpur, vide order dated 10.11.2020, applicant Gul Hassan Rajper has approached this Court by filing instant Crl. Bail Application under Section 497 Cr.P.C, for post-arrest bail in case FIR No. 151 of 2020, registered at P.S, B-section, Khairpur, under Sections 452, 324, 337H(2),34 PPC.

2. The allegation against the present applicant, as per FIR lodged by complainant Irfan Asad Ali on 27.07.2020 at about 0230 hours, is that on the same date at 0100 hours, present applicant in association with co-accused being armed with weapons came in the house of complainant party and present applicant is alleged to have made straight fire upon Ishaq Ali, brother of complainant hitting him on his right left with intention to commit his murder, who fell down on the ground, whereas, co-accused made aerial firing in order to create terror and harassment. Consequently, above FIR was lodged.

3. Heard learned counsel for the applicant, learned counsel for the complainant as well as learned Deputy P.G for the State so also scanned the material available on record. Learned counsel for the complainant as well as learned Deputy P.G for the State opposed the grant of bail to the applicant on the ground that applicant is nominated in the FIR with specific role of causing injury to Ishaq Ali with intention to commit his murder.

4. Admittedly, after registration of FIR, the investigation was conducted by the police and the summary was submitted before learned Magistrate recommending the disposal of instant FIR under B-class, but learned Magistrate did not agree with the opinion of police and took cognizance. No doubt, the opinion of police is not binding upon the Courts, but the same cannot be lost of significant. Furthermore, the present applicant is alleged to have made straight fire upon injured Ishaq Ali hitting him on his left leg, but the said injury has been opined by the Medical Officer as Ghayr Jaifah Mutalahimah, carrying punishment for three years, as such the same does not fall within prohibitory clause of Section 497 Cr.P.C. In such circumstances, the applicability of provision of Section 324 PPC is yet to be determined at the trial by recording evidence. The investigation in the matter has been over and the present applicant is no more required for further investigation and he is behind bars since his arrest.

5. For what has been discussed above, I am of the considered view that *prima facie* the case against the applicant calls for further enquiry, as contemplated under Sub-Section (2) of Section 497 Cr.P.C.

Accordingly, instant Crl. Bail Application stands allowed and the applicant **Gul Hassan Rajper is admitted to post-arrest bail** subject to his furnishing solvent surety in the sum of **Rs.100,000/-(One Lac)** with P.R bond in the like amount to the satisfaction of learned trial Court.

6. Before parting, it needs not to make clarification that the observations recorded above are tentative in nature, therefore, the trial Court shall not be influenced in any manner whatsoever.

**J U D G E**

Ahmad