

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.Bail.Appl.NO.D- 56 OF 2011.

DATE

ORDER WITH SIGNATURE OF JUDGE

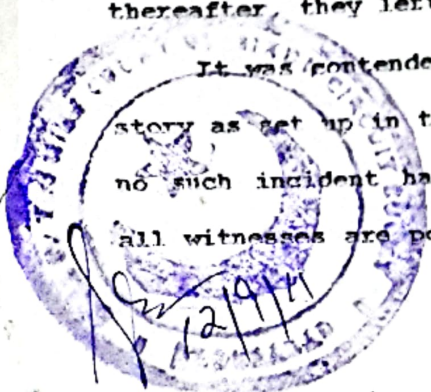
09.09.2011.

Mr. Bhagwandas Bheel, Advocate for applicant.
Mr. Shahzada Saleem Nahyoon, A.P.G for the State.

Applicant Imam Bux Lund has approached this Court for grant of post arrest bail. His similar application, earlier moved before the trial Court, was dismissed by learned Incharge Special Judge, Anti-Terrorism Court, Shaheed Benazirabad vide his order dated 14.7.2011, passed in connection with Crime No.72/2010 of P.S. Sinjhoru, U/Ss: 324, 353, 440, 225, 427, 337-H(2), 147, 148, 149 PPC r/w Section 6/7 of A.T.A, 1997.

As per F.I.R. lodged on 2.7.2010 at 12-30 P.M by SIP Wali Muhammad SHO of PS Sinjhoru, the incident took place on the same day when the complainant, on a telephonic information, reached together with his subordinates at main bazaar, Sinjhoru town where the accused Munawar Ali and Ismail having lathies with them, were forcibly getting the shops closed, therefore, they were arrested at the spot and their lathies were recovered by the police and thereafter, they were taken to Police Station, Sinjhoru. It is also alleged in the F.I.R. that at about 11-00 A.M, 27 culprits nominated in the F.I.R. including the present applicant Imam Bux and 60/70 other unknown culprits, armed with lathies, hatchets and weapons, arrived at Police Station and with intention to commit murder straight away fired upon the police who, therefore, also fired in their defence. It is further alleged that the culprits broke the wind screen of the police mobile with their lathies and got the arrested accused Munawar and Ismail released and thereafter, they left away while making aerial firing.

It was contended by learned counsel for the applicant that the story as set up in the F.I.R. is false from the very face of it and no such incident had ever taken place. He further contended that all witnesses are police officials and no private witness has been



cited in the F.I.R. though the alleged offence had taken place in the main Bazar of the town. He also contended that the police has misapplied Section 324 PPC as well as Section 6/7 of ATA, 1997 to show the offence in aggravate form as otherwise, the alleged offences do not fall within the prohibitory clause of Section 497 (1) Cr.P.C therefore, the applicants are entitled for the concession of bail.

On the other hand, the contention of learned A.P.G for the state was that the name of the applicant is mentioned in the F.I.R. together with the co-accused who all had attacked upon the police at their police station, therefore, the offence is serious one and as such the applicant is not entitled for the concession of bail.

We have considered the above submissions and also perused the relevant record, which shows that though the case was also of ineffective firing, yet the present applicant was not alleged to be armed with any fire arm weapon and even otherwise, there are general allegations and no overt act or specific role has been assigned to the applicant in the very F.I.R. therefore, his case also needs further inquiry.

It was for the reasons, we granted bail to the applicant vide a short order that was passed today in the open Court on hearing the matter.

Sd/-AHMED ALI M. SHAIKH,
JUDGE.

Sd/-NISAR MUHAMMAD SHAIKH,
JUDGE.

CERTIFIED TRUE COPY.

ASST. REGISTRAR. 12/9/11
CR.B.A.NO. 2-56 OF 2011.

NO. 18005 DT 12 8 11

Certified true copy forwarded to the learned Special Judge Anti-Terrorism Court Shaheed Benazirabad for information and compliance in continuation of this office letter No.17808 dated 8.9.2011.



ASST. REGISTRAR. 12/9/11
HIGH COURT OF SINDH CIRCUIT COURT HYD:
CIRCUIT.

12/9/2011