

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
 Crl. Bail Application No.S-646 of 2023  
*(Muhammad Pannah Mallah Vs. The State)*

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For hearing of bail application.

**ORDER.**  
 11-12-2023.

Mr. Abdul Haseeb Khuhro, advocate for the applicant.  
 Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

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**IRSHAD ALI SHAH, J;-** The facts in brief necessary for disposal of instant Bail Application are that an FIR was lodged by SIP Ghulam Habib on behalf of the State with PS Kandhra alleging therein death of an unknown person by sustaining burns injuries, inside of the shop of Rafique Ahmed, lateron, he was known by Nawaz to be his brother Shahnawaz; his relatives by seeking a direction u/s 22 A/B Cr.P.C joined the investigation whereby they implicated the applicant and others for committing the death of the deceased.

2. The applicant on being involved in above said case sought for post arrest bail by filing such application, it was dismissed by learned IIIrd Additional Sessions Judge/ (MCTC-II), Sukkur, it is in these circumstances, he has sought for the same from this Court by way of instant bail application under Section 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the legal heirs of the deceased, who was thief and died on account of sustaining burns injury, when he went inside the shop of Rafique Ahmed to commit theft, who was dealing with sale of liquid gas. Co-accused Suhrab and two others have already been admitted to pre-arrest bail by this Court. By

contending so, he sought for post arrest bail for the applicant on point of further inquiry and consistency.

4. Learned DPG for the State has recorded no objection to grant of pre-arrest bail to the applicant by contending that on investigation section 302 PPC was deleted by the police while submitting challan; it was inserted by learned trial Magistrate while taking cognizance of the incident.

5. Heard arguments and perused record.

6. On failure of any of the relative to lodge FIR of the incident, it was lodged by SIP Ghulam Habib on behalf of the State. It was with delay of about 02 days to the actual death of the deceased; yet it does not contain the name of any of the culprit involved in the incident, those were disclosed by the legal heirs of the deceased subsequently by joining the investigation, which prima-facie suggests deliberation and consultation. Co-accused Suhrab and two others have already been admitted to pre-arrest bail by this Court. The case has finally been challaned and there is no likelihood of absconsion or tempering with the evidence on the part of the applicant. In these circumstances a case for release of the applicant on bail on point of further inquiry and consistency obviously is made out.

7. In view of above, the applicant is admitted to bail subject to his furnishing solvent surety in the sum of rupees two lacs and P.R bond in the like amount to the satisfaction of learned trial Court.

8. The instant Bail Application is disposed of accordingly.

Judge