

IN THE HIGH COURT OF SINDH
CIRCUIT COURT, LARKANA

1ST CRL. BAIL APPLICATION NO.S-168/2014

Applicant : Abdul Razzak Domki,
through Mr. Asif Ali Abdul Razak Soomro,
advocate.

Respondent : The State,
through Mr. Imtiaz Ali Jalbani, APG.

Date of hearing : 30.05.2014.

ORDER

SALAHUDDIN PANHWAR, J.- The applicant / accused Abdul Razzak Domki has sought post arrest bail Crime No.125 of 2011 registered with police station Buxapur, under section 302, 324,337-A(i), 337-F(i), 337-H(ii),1147,148,149 PPC.

2. The facts, arising out of the FIR, are that on 09.11.2011 complainant Inayat Hussain Domki lodged FIR at police station wherein it was alleged that on 07.11.2011 they were available at hotel of Shoukat Khalit, along with his cousins. While at 10.15 am , accused persons namely Baloch, Zakir Hussain, Abdul Razzque, Willaya, Shahmore, Zawar, Umed Ali, Himat Ali, Shahzor, Sangat Ali armed with deadly weapons came there. Accused Zakir Ali instigated other accused persons, thereby accused Baloch fired from his TT pistol at Ameer Ali with intention to kill which hit him on right side of forehead near eye; accused Abdul razzak fired at Ameer Ali which hit him on head; accused Willayat fired at Ameer Ali which hit him on nose and he fell down. Other accused persons also caused

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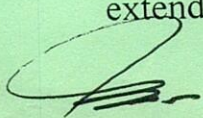
injuries to other witnesses and then ran away and fire shot made by accused Zawar also hit to his own accomplice namely Himath Ali on the thigh, injured Ameer Ali succumbed to injuries and complainant party lodged FIR after being free from funeral ceremony.

3. Learned counsel for the applicant has, inter alia, argued that applied section (s) are compoundable in nature and since all the injured witnesses, complainant and even widow of the deceased, have extended their no objection through affidavit (s) for release of the applicant / accused on bail so he prayed for release of the applicant / accused on bail.

4. On the other hand the learned APG has reluctantly opposed the bail.

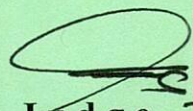
5. I have heard the respective arguments, as advanced by either sides and have gone through the available material carefully.

6. The applicant / accused has confined its bail plea with reference to the '**affidavits**' of no objections so extended by the injured witnesses, complainant and widow of the deceased. The complainant Inayat, injured Bijar , injured Adab Hussain, injured Aijaz Ali did appear before this Court and reaffirmed the contents of their affidavit (s) in clear words that their differences are settled so they have no objection for release of the applicant / accused on bail. This Court also called the widow of the deceased, who is one of the legally competent to compound the offence of murder on her and behalf of minors. The widow of deceased Ameer Ali, appeared before this Court and placed on record her affidavit whereby extending her no objection to release of the applicant / accused. At this



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juncture, it is material to make it clear that affidavit (s) of injured witnesses and that of legal heirs in a pending case can competently be considered for releasing an accused particularly when the accused is charged with compoundable offence (s) because affidavit (s) of witnesses in a non-compoundable offence or in a compoundable charge for a convict have got different legal weight. Since all the related persons have given their no objection (s) for release of the applicant / accused , therefore, I do not find it in the interest of justice to keep the applicant / accused behind the bars in such a situation. Accordingly, the applicant / accused was admitted to bail, by short order dated 30.05.2014.


Judge 31/5/2014