

6

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 178 of 2014.

| | |
|-----------------|-------------------------------|
| Date of hearing | Order with signature of Judge |
| 23.05.2014. | |

For hearing.

Messrs. Muhammad Afzal Jagirani and Sabir Ali Shaikh Advocates for applicants.

Mr. Imtiaz Ali Jalbani, A.P.G.

~~~~~

For reasons to be recorded latter on, applicants are admitted to post arrest bail subject to furnishing their solvent surety in the sum of Rs.50,000/- (Fifty thousands) each and P.R bonds in the like amount to the satisfaction of Additional Registrar of this Court.

  
Judge



67

ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
Crl. Bail Appln. No.S- 178 of 2014  
Crl. Bail Appln. No.S- 180 of 2014

| DATE | ORDER WITH SIGNATURE OF JUDGE |
|------|-------------------------------|
|------|-------------------------------|

23.05.2014

Messrs Muhammad Afzal Jagirani and Sabir Ali Shaikh Advocates for applicants in Crl. Bail Appln. No.178/2014

Mr. Ahmed Hussain Khoso, advocate for applicants in Crl. B.A No.S- 180/2014.

Mr. Imtiaz Ali Jalbani, A.P.G.

-----

By the dint of this order, I intend to decide the above captioned bail applications as all applicants are involved in same crime i.e. 34/2014 Police Station Taluka, Larkana under sections 509, 506/2, 406, 420, 148, 149, 337-F(i), 353, PPC.

2. Precisely, relevant facts are that, it is alleged that present applicants along with other accused persons after forming an unlawful assembly and their common object committed forgery as well as attempted to usurp the amount of Mst.Kireri to be received under Benazir Income Support Program; they also maltreated and harassed the victim.

3. Learned counsel for the applicants *inter alia* contends that instant case is a politically motivated case; in fact Mst. Kireri was injured due to stampede because of mismanagement of the official respondents who have been granted bail by Civil Judge/Judicial Magistrate, Larkana vide order dated 29.03.2014, also main accused in-charge of the Centre has been granted pre-arrest bail in Crl. B.A No. 407/2014 by order dated 08.4.2014 passed by District & Sessions Judge, Larkana hence applicants also deserve the benefit provided under the rule of consistency.

4. Conversely, learned A.P.G does not controvert the above factual position and reluctantly opposed the grant of bail.

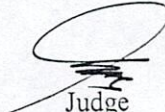
5. After scanning the material available on record, it is surfaced that applicants were refused post arrest bail on the plea that yet jurisdiction of competent court is not decided, consequently, investigation officer has not submitted report under





Section 173, Cr.P.C before the concerned Court. Suffice to say that it is matter of record that co-accused persons who were the officials of the Centre, where alleged incident was happened, were granted post arrest bail by Civil Judge and pre-arrest bail by Sessions Judge, Larkana hence refusal of bail to the applicants on this ground is apparently unjustified. Besides, applicants have better case than the accused persons who have been granted bail. Therefore, on rule of consistency, applicants also deserve same treatment under the eyes of law.

6. For foregoing reasons by short order dated 23.5.2014 applicants were granted post arrest bail. It is pertinent to mention that as and when competent Court takes cognizance of instant offence, will be at liberty to decide the fate of bail applications granted to the accused persons during this span if additional evidence is gathered against them, after providing opportunity of hearing without being influenced by bail orders passed during investigation period.

  
Judge

1- for order on MA 3437/15 (Q/A)  
2- for order on MA 3438/15 (Q/A)

Accountant Report as flg B

23.9.2015

Mr. Sabir Ali Shaukhi cor. for applicants

1. Grant
2. Notice is Adh for 06.10.2015.

