

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 229 of 2013.

Date of hearing	Order with signature of Judge
19.07.2013.	

For hearing.

Mr. Ghulam Mehdi Sangi, Advocate for applicants.
Mr. Imtiaz Ahmed Shahani, State Counsel.

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Through instant bail application, applicants Mehrab alias Kandhar and Amanullah seek post arrest bail in Crime No. 18/2013, P.S Tangwani, for offences punishable under Sections 353, 324, 399, 148, 149 P.P.C.

2. Precisely, relevant facts are that on 22.5.2013, complainant H.C Abdul Faheem Sarki of P.S Tangwani lodged F.I.R on behalf of the State, to the effect that on fateful day he alongwith other police personnel left police station for patrolling, vide roznamcha entry No.32; during patrolling when they reached main road Kandhkot Thull, they saw eight persons were available with intention to commit dacoity, out of them police party identified five persons to be Mehrab alias Kandhar with pistol, 2. Ali, 3. Amanullah armed with guns, 4. Sajan and 5. Khalid Hussain having Kalashnikov; they on seeing police party fired upon them with intention to commit their murder; the police party retaliated the same by firing upon them; the encounter lasted for 5/10 minutes and the culprits ultimately made their escape good.

3. Learned counsel for the applicants, *inter-alia*, contends that this is a case of encounter between the applicants and police party as alleged by the complainant but none has received any injury from either side; applicants have been booked falsely with malafide intention and no recovery has been effected from the applicants, thus the matter requires for further probe. Learned counsel relied upon 1998 SCMR 454, 2007 YLR Karachi 1727 and 2004 YLR Karachi 104.

4. Conversely, learned State Counsel extended no objection, if concession of bail is granted to the applicants.







5. Heard learned counsel and perused the record.

6. After meticulous examination of available record it is manifest that though there is allegation against the applicants that they caused direct fire shots upon the police party and in retaliation police also caused firing upon them but candidly, none has received any injury from either side. Moreover, no recovery has been effected from the applicants. Case is pending for adjudication of guilt before the trial Court, thus apparently instant case falls within the scope of further enquiry.

7. Keeping in view, the given circumstances, applicants have succeeded to bring their case within the purview of subsection (2) of Section 497 Cr.P.C. Consequently, they are granted bail in the sum of Rs.100,000/- (One hundred thousands) each and P.R bond in the like amount to the satisfaction of trial Court.

  
Judge

Ansari/\*