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ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT, LARKANA.  
Cr. Bail Appln. No.S- 231 of 2013.

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Dated \_\_\_\_\_ order with signature of hon'ble Judge.

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1. For order on office objection as flag A.
2. For Hearing.

17.07.2013.

Mr. Ghulam Nabi G. Bangwar, advocate for the applicant.

Mr. Riaz Hussain Khoso, State Counsel.

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Applicant Sanaullah Ningwani seeks post arrest bail in Crime No.152/2013 of P.S A- Section Kandhkot registered for an offence U/S 353, 324, 148 and 149 PPC lodged at Police Station A-Section Kandkot.

2. Precisely the relevant facts are that complainant ASI Allah Jurrayo Bangwar lodged FIR on 05.06.2013 wherein it is contended that they were on patrolling when they reached near Gudu Barrage where they saw applicant alongwith other accused persons armed with deadly weapons. Suddenly all accused persons with common intention to commit qatl-e-amd caused direct fire shots upon police party; and in retaliation complainant party also caused firing. Such encounter was continued upto 10 minutes. Thereafter all accused persons escaped away. During investigation the applicant was arrested and sent up for trial.

3. Learned counsel for the applicant, interalia, contended that instant case is false though it is alleged that encounter was happened between police party and accused, who were armed with deadly weapons but none has received any injury so also it is not alleged that due to this encounter any police vehicle is damaged; no recovery was effected from applicant thus case of applicant falls within further inquiry. Complainant has implicated applicant due to enmity and no specific role is attributed to the applicant.

4. Learned State Counsel did not raise any objection and concedes for concession of bail.

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5. From the perusal of material available on record. It is surfaced that complainant party alleged that applicant alongwith other co-accused persons armed with lethal weapons caused straight firing at police party and in retaliation police party also caused firing on accused persons but it is also matter of record that none has received injury from either side; even no damage was caused to the police mobile; moreover case has been challaned, pending for adjudication of guilt, no recovery is effected from the applicant, all witnesses are police officials thus there is no probability of tempering with prosecution case, applicability of section 324 is to be determined by trial Court, hence under these circumstances matter requires for further probe. Consequently, applicant has succeeded to bring his case within purview of subsection (ii) of section 497 Cr.P.C.

6. Keeping in view the above circumstances, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/= and P.R bond in the like amount to the satisfaction of trial Court.

  
JUDGE

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