

25

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 28 of 2014.

Date of hearing	Order with signature of Judge
31.03.2014.	

1. For orders on office objection.
2. For hearing.

Mr. Mazhar Ali Bhutto, Advocate for applicant.
Mr. Imtiaz Ali Jalbani, A.P.G.

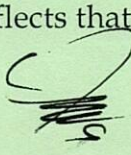
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Through instant application, applicant seeks post arrest bail in Crime No.95/2013, of P.S Badeh, under Sections 324, 114, 337-H (2), 34 P.P.C.

2. Precisely, the allegations against applicant are that, due to matrimonial dispute complainant and applicant party were on inimical terms. On fateful day applicant alongwith co-accused waylaid the complainant party and thus applicant caused firearm shot injury on left leg of complainant; thereafter while making aerial firing they escaped.


3. Learned counsel for the applicant inter-alia, contends that applicant is juvenile and at present admitted at Youthful Offenders Industrial School, Larkana; matrimonial dispute is admitted by the complainant; injury is not received on vital part; this is not a case of repeated fires, thus applicability of Section 324 P.P.C in instant case requires further inquiry. In support of his contentions, learned counsel has relied upon 2011 P.Cr.L.J 316.

4. On the contra, learned A.P.G. while refuting the above contentions has vehemently opposed the instant bail application on the ground that applicant is involved in a case, which falls within prohibitory clause of Section 497 Cr.P.C.; ground of juvenile is not helpful for him as ground No.2 of the bail application reflects that applicant was married person, thus he is not entitled for bail.





5. While scanning the available record, it is patent that there is only allegation that applicant caused one firearm injury to Sikander Ali, candidly which is not on vital part of the body; rivalry between complainant and applicant on matrimonial issue is also admitted in F.I.R. Though the complainant has asserted that the accused persons after causing injury caused aerial firing with the impression that he is no more alive, but record reflects that no such fatal injury was caused nor any evidence to substantiate that fact was gathered. Besides, applicant is admitted in borstal school, thus it appears that he is having tender age; merely marriage is not sufficient to determine that applicant was above 18 years. Further application of Section 324 P.P.C in instant case requires further inquiry. Moreover, bail application of applicant was rejected by the trial Court because of pendency of investigation as at that time challan was not submitted. Presently, applicant is not required for further investigation, case is pending for adjudication, thus in the given circumstances, I am of the considered view that applicant is entitled for bail. Consequently, he is admitted to bail on his furnishing solvent surety in the sum of Rs.50,000/- (Fifty thousands) and P.R bond in the like amount to the satisfaction of trial Court.

  
Judge 31/3