

**THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**

**Criminal Bail No.S-129 of 2023**

Applicant: Ghulam Rasool son of Mir Abdul Qadir Jalbani,  
through Mr. Inam-ur-Rehman Abro, Advocate.

The State: Through Mr. Aitbar Ali Bullo, Deputy Prosecutor  
General, Sindh.

Date of hearing: 10.08.2023

Date of Order: 10.08.2023

**ORDER**

**SHAMSUDDIN ABBASI, J.-** Through instant Criminal Bail Application, applicant/accused Ghulam Rasool Jalbani seeks post-arrest bail in Crime No. 137/2022, offence under Sections 302, 324, 337-A(i), 337-D, 337-F(i)(vi), 337-H(ii), 148 & 149 PPC of the Police Station Ratodero. Prior to this, he filed such application, but the same was turned down by the Court of Additional Sessions Judge, Ratodero vide Order dated 02.03.2023; hence he filed instant Criminal Bail Application.

2. It is alleged in the F.I.R. that complainant's son namely Zaheer Khan aged about 32/33 years was cleaner on Jalbani Coach and on the day of incident i.e. 10.11.2022, complainant alongwith his relatives was available at Ratodero Bus Stand for departing to Karachi and they boarded in the Coach when at about 09:00 p.m. they seen and identified about twelve persons duly armed with deadly weapons, irons rods and other articles in their hands were standing in front of the vehicle and by firing and shouting harassed the passengers and they started beating the son of complainant and other persons; accused Mir Abdul Qadir caused lathi blow to Zaheer Khan, which hit on his head, accused Ghulam Rasool caused iron rod blow on the head of Zaheer Khan and accused Ishaq also made straight fire from his K.K upon Zaheer, which hit him on his head

and he fell down and blood was oozing, accused Muhammad Hayat made straight fire upon Siraj Ahmed, which hit him on right side of the belly, accused Abdul Rasool caused lathi blow to Abdul Lateef, which hit him on his right arm, accused Aziz caused iron rod blow to Abdul Lateef, accused Riaz fired upon Abdul Lateef with his pistol. On hue and cry accused party ran away while making aerial firing. The brain of Zaheer son of the complainant was exposed and he died on the spot while injured Siraj Ahmed and Abdul Lateef were seriously injured, they were shifted to Taluka Hospital, Ratodero and due to seriousness of injured they were shifted to Chandka Medical Hospital, Larkana and Siraj succumbed to injuries on the way. Hence this F.I.R.

3. Per learned counsel, the applicant/accused is innocent and he has been falsely implicated in this case by the complainant with malafide intention and ulterior motives due to previous enmity over timing of vehicles; that the F.I.R. is delayed about two days without any plausible explanation by the complainant; that the case has been challaned and the applicant is no more required for further enquiry. Lastly, learned counsel prayed for grant of bail to the applicant/accused.

4. On the other hand learned Deputy Prosecutor General has vehemently opposed the grant of bail to the applicant/accused on the ground that name of the applicant/accused has been appeared in the F.I.R. with specific role of causing iron rod blow on the head of the deceased, which corroborated by the medical evidence. During investigation, the investigating officer recovered the blood stained iron rod from his possession, which was sent to the chemical examiner and the said report is in positive.

5. Heard arguments of the learned counsel for the applicant, learned Deputy Prosecutor General and perused the material available on record. From the tentative assessment of the material available on the record, it appears that applicant

Ghulam Rasool Jalbani armed with iron rod came on the scene of offence alongwith co-accused and caused iron rod blow to deceased Zaheer Khan, which hit on his head. The P.Ws have supported the case of the prosecution and ocular version is corroborated by medical evidence. The blood stained iron rod was recovered by the investigating officer from the possession of the applicant, which was sent to the chemical examiner, who gave the report in positive, which *prima facie* indicates that the accused had actively participated in the alleged offence. Further the offence under section 302 P.P.C falls within the ambit of prohibitory clause of Section 497 Cr.P.C carrying capital punishment. Learned counsel for the applicant has failed out to make out the case for further investigation. Accordingly, instant Criminal Accordingly is dismissed having no merits.

6. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of either party at trial.

**J U D G E**

*Manzoor*