

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

1<sup>st</sup> Cr. Bail Appln. No.S-121 of 2021  
1<sup>st</sup> Cr. Bail Appln. No.S-122 of 2021

Shahzado Panhwar

Vs

The State

Applicant : Through Mr. Ghulam Akbar Soomro, Advocate in both matters.

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

Date of hearing : 24.05.2021.

Date of Decision : 24.05.2021.

ORDER.

**Omar Sial, J.-** Shahzado Panhwar has sought post arrest bail in **F.I.R. No.5 of 2021** registered under sections 457, 459, 380 and 511 P.P.C. at the Rahimabad Police Station as well as in **F.I.R. No.6 of 2021** registered in the same police station under section 23(1)(a) of the Sindh Arms Act, 2013. Earlier, his applications seeking bail were dismissed by the learned Sessions Judge, Shikarpur on 3-3-2021. Both applications arise from connected cases and therefore I will dispose of both applications through this common order.

2. A brief background to the case is that Muhammad Bux Kalhoro on 24-2-2021 lodged **F.I.R. No.5 of 2021** narrating therein that while he and his family were sleeping in their home, they were woken up by some noise and saw that the applicant along with his companion Nazir (both with guns) and one unknown person (with a stick) were untying his buffaloes. The complainant and other family members created a commotion upon which the applicant hit his (the complainant's) mother on her ribs with the butt of his gun. The accused then went away. The applicant was arrested the same day when he was standing in the road with his gun and **F.I.R. No.6 of 2021** registered against him.

3. I have heard the learned counsel for the applicant as well as the learned DPG. None appeared for the complainant despite notice. My observations are as follows.

OS

4. Vague allegations have been raised in the F.I.R. No explanation has been provided as to how the complainant knew who the intruders were. Pari Khatoon was said to have been hit by the applicant with the butt of his gun on 0100 hours of 24-2-2021 but she went to the hospital in the afternoon of the next day. The medical certificate indicates a bruise that she had. X-ray was not done till 16-3-2021. Pari Khatoon's statement was not recorded till 11-3-2021. Even then the statement is vague and does not appear to reflect the names of the accused. No independent witness has been cited which in the circumstances of the case appears odd. The statements of the 2 other private witnesses in the case, who happen to be the cousin and the brother of the complainant were also not recorded until 11-3-2021. No explanation has been provided as to why they took so long in recording their statements. The ballistic report *prima facie* reflects that the gun attributed as being in the possession of the applicant, which he admittedly had not even used, was partially inoperative. In view of the foregoing, the nexus of the applicant with the crime as well as with the allegation of carrying an unlicensed weapon requires further inquiry.

5. Above are the reason for the short order dated 24.05.2021.



JUDGE