

47

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.  
Crl. Bail Appln. No.S-290 of 2021.

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection.
2. For hearing of Bail Application.

Mr. Farhat Ali Bugti, advocate for the applicant.

Mr. Aitbar Ali Bullo, Deputy Prosecutor General.

Date of Hearing : 16.08.2021.  
Date of decision : 16.08.2021.

ORDER

Omar Sial, J.- Amanullah Marfani ("the Applicant") has sought post arrest bail in Crime No.65 of 2020 registered under sections 337-F(v), 452, 506/2, 337-H(ii), 148 and 149, PPC at the Garhi Yaseen Police Station. Earlier, his bail application before the learned Session Judge Shikarpur was dismissed on 06.05.2021.

2. As per the FIR dated 18.09.2020, Subhan Khatoon ("the Complainant") alleged that she was on hostile terms with an individual by the name of Shahzado Marfani. The hostility was on account of their children fighting amongst each other. At around 12.30 a.m. on 30.08.2020, she along with some of her family members witnessed Shahzado Marfani, the Applicant and others approaching her house with fire-arms. Shahzado Marfani provoked the others to attack Subhan Khatoon. On his instigation, Yasin, with his hatchet, hit Subhan's hand. They then resorted to aerial firing and left her premises.

3. I have heard the learned counsel for the Applicant as well as the learned DPG and with their able assistance have perused the record. The Complainant did not effect an appearance despite summons. My findings and observations are as follows.

4. At a bare reading the narrative as provided in the FIR does not make a coherent whole. The delay in the lodging of the FIR, by approximately 18 days, also remains unexplained. Prima facie, the contents of the FIR appear improbable and unnatural. Malafide on the part of the Complainant in filing a false case and throwing the net wide



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(as all the accused appear to be brothers) cannot be conclusively ruled at this preliminary stage. It also appears that no recovery has been effected even though there is a claim of aerial firing. There is also no independent witness to this incident. No overt role except presence has been attributed to the applicant. In the foregoing circumstances, the nexus of the Applicant with the crime requires further inquiry.

5. Above are the reasons for the short order dated 16.08.2021.

 14/8/21  
JUDGE