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IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Cr. Bail Application No. S-489of 2024

Applicants: Nisar Ahmed @ Nisar Ali Jamali, through
Mr. Shafi Muhammad Bango, Advocate.

Complainant: Arbab Ali through Mr. Farooq Ahmed Gaad,
Advocate.

The State: Through Mr. Ali Anwar Kandhro, Additional
Prosecutor General, Sindh

Date of hearing: 23-01-2025
Date of order: 23-01-2025

ORDER

OMAR SIAL, J:-Nisar Ahmed @ Nisar Ali seeks pre-arrest bail in Crime 04/2023 registered under section 302, 337-H(ii), 148, 149 PPC registered at Police Station Fatehpur. His bail application, which was filed before learned Sessions Judge, Larkana, was dismissed by VI. Additional Sessions Judge, Larkana, on 13.5.2024.

02. The facts of the case, according to F.I.R., are that a dispute between the complainant and the accused party is going on over some land and on 16.04.2023 at 10:30 am, applicant along with co-accused Sanaullah, Aamir, Hakim Ali, Shoukat Ali and Nisar Ali being armed with deadly weapons intercepted complainant at a common katcha path near land of Rasheed Jamali, where co-accused Sanaullah and Aamir made direct fires at complainant's son Talib Hussain, who fell down and then all accused ran away by making aerial firing. Talib Hussain died at the spot due to fire shot injuries. Hence, this F.I.R.

03. I have heard learned Counsel for the applicant and learned Additional Prosecutor General for the State, who has been assisted by learned Counsel for the complainant.

04. Admittedly, co-accused Ghulam Shabir Jamali, with the same role of presence on the spot, was granted bail on 05.09.2024 by learned 1st Additional Sessions Judge Larkana. Upon a query from the prosecution as to why the same concession should not be given to the applicant, learned counsel for the complainant has argued that subsequently, a Direction Complaint No.07/2024 has been filed before the learned 2-Additional Sessions Judge,

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Larkana in which more than 15 peoples were nominated, Nisar Ahmed is also one of the person who has been accused of a murder. It cannot be held against him when he has made a case for bail on the grounds of consistency. He does not have a previous crime record. Apart from this, no role has been assigned to him. Whether he shared common intention with accomplices who are accused of firing and killing Talib Hussain will have to be determined at the trial after the learned trial court had an opportunity to evaluate the evidence.

05. The parties have had a strained relationship for some time; therefore, the complainant's malafide in throwing the net wide cannot conclusively be ruled out at this preliminary stage.

06. Given the above, the interim pare arrest bail already granted to the applicant is confirmed; however, subject to a surety of Rs.200,000 (Rupees Two Lac) and a P.R. Bond in the same amount. The surety amount deposited by the applicant earlier can be adjusted to the present amount.


23/1/25
JUDGE

S.Ashfaq

Muhammad Bux S/o. Qurban Ali Jamali
CNIC No. 41306-1836816-7
Stood surety fro applicant(s) / accused (Name(s) a/w CNIC No.)
① Nisar Ahmed Q Nisar
Ali S/o Qurban Ali
by Surname Jamali
In the Sum of Rs. 150,000/- each Total
Rs. 150,000/- On 18.02.2025
Vide Surety Bond No. 57/2025
Accountant