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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cr. Bail Appln. No.S-76 of 2022.
Cr. Bail Appln.No.S-111 of 2022.

Date _____ Order with signature of Hon'ble Judge _____

1. For orders on office objection.
2. For hearing of Bail Application.

Mr. Razi Khan Nabl Bx R. Chandio, advocate for applicant Nadar Khoso, along with applicant (on bail) in Cr.B.A. No.S-76/2022.

Mr. Asif Hussain Kalhoro, advocate for applicant Akbar Khoso, along with applicant (on bail) in Crl. Bail Appln. No.S-111/2022.

Mr. Ali Anwar Kandhro, Addl. P.G.

Complainant Saindad Khoso present in person.


Date of Hearing : 07.04.2022.
Date of Decision : 07.04.2022.

ORDER.

Muhammad Saleem Jessar, J.- By this common order I intend to dispose of both the captioned bail applications filed by the applicants/accused Nadir Khoso and Akbar Khoso, as they arise out of the same Crime No.52 of 2020, registered at Police Station Radhan Station, District Dadu, for offence under Sections 336, 452, 337-F(i), 337-A(i), 337-H(2), 114, 147, 148, 149, PPC.

The case after thorough investigation was challaned and subsequently was tried by the learned Additional Sessions Judge-IV, Dadu vide Sessions Case No.469/2020 re-The State v. Sudheer Khoso & others. However, after full-dressed trial co-accused Sudheer, Asghar and Gulzar were acquitted by way of judgment dated 31.3.2021.

Learned Counsel for the applicants submit that though the applicants are nominated in the FIR; however, no specific role has been assigned to them and the main role was attributed to co-accused Sudheer, who has been acquitted of the charge by way of judgment captioned above, hence case against the applicants/accused required further enquiry. Both learned Counsel submit that the case of applicants is at par with the co-accused, therefore, they may be admitted to pre-arrest bail.



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Learned Addl. P.G., appearing for the State, admits that main role was assigned to co-accused Sudheer, who has been acquitted of the charge, hence he has no objection for grant of pre-arrest bail to the applicants/accused.

Complainant Saindad Khoso having CNIC No.41203-9327557-9 is present in person and submits that he has no objection if the applicants are admitted to pre-arrest bail, as he has no grudge against them and he does not want to prosecute them further.

Heard arguments and perused the record.

No doubt the applicants are nominated in the FIR; however, mere their presence is shown and no overt act is attributed to both of them. The main role is assigned to co-accused Sudheer, who has been acquitted of the charge by way of judgment and in view of no objection extended by the learned Addl. P.G. as well as the complainant, the case of applicant requires further enquiry within the meaning of subsection (2) of Section 497, Cr.P.C.

Accordingly, both the applications are allowed. Ad-interim pre-arrest bail already granted to the applicants is hereby confirmed on same terms and conditions; however, they are directed to surrender before the trial Court and proceed with the trial till final decision of the main case.

JUDGE

Qazi Tahir PA