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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cr. Bail Appln. No.S- 40 of 2024.

Date of hearing

Order with signature of Judge.

1. For orders on office objections as flag A.
2. For hearing of bail application.

Applicants

(Zameer@Zameer Hussain) : Through M/S Mohammad Ali Memon and
and others. Ashfaque Hussain Abro, Advocate.

Complainant

(Mohammad Hassan Khan) : Through Mr. Wakeel Ali Shaikh, Advocate.

The State

: Through Mr. Aitbar Ali Bullo, D.P.G.

Date of hearing

: 25.3.2024.

ORDER.

MUHAMMAD SALEEM JESSAR-J.- Through instant bail application, applicants Zameer @Zameer Hussain, Khalil Ahmed, Ghulam Murtaza and Majid Ali seek their admission on post arrest bail in Crime No.30 of 2023 P.S. Dakhan Shikarpur under Sections 395, 324, 337-A(i), A(iii), F(i), F(iii), F(v), 147, 148, 149 PPC. The applicants filed post arrest bail application No.1311 of 2023 before the Court of Sessions Judge, Shikarpur which was declined vide order dated 15.12.2023.

2. Since the facts of the prosecution case are already mentioned in the FIR as well as order passed by the Court below, therefore, there is no need to reproduce the same.

3. Learned counsel for the applicants contended that co-accused Ghulam Akber Sanghroo and others have already been admitted to pre arrest bail by this Court on 29.01.2024 vide Cr. Bail Appln. No.S-511 of 2023 and Cr.Bail Appln. No.S-17 of 2024, the case of the applicants is on similar footings, thus law of consistency demands that the present applicants may also be admitted to bail. Learned counsel submits that the applicants were arrested by the police on 14.5.2023; however, a single barrel gun was also recovered from one of the applicants, Zameer @Zameer Hussain, for which a separate Crime No.31 of 2023 was registered. Said case was tried by learned 1st Assistant Sessions Judge, Shikarpur vide Sessions Case No.648 of 2023 re: The State v. Zameer Sanghro, in which applicant Zameer @Zameer Hussain has been acquitted of the charge. He, therefore, submits that the applicants deserve their

admission on bail, on the ground of consistency and equal treatment. In support of their contentions, they have placed on record certified copy of order dated 29.01.2024, taken on record.

4. Learned D.P.G appearing for the State, in view of submissions advanced by the learned counsel for the applicants does not oppose the bail application.

5. Mr. Wakeel Ali Shaikh, advocate files vakalatnama on behalf of complainant, taken on record. He opposes the bail application on the ground that applicants are nominated in the FIR. Besides, they have committed heinous offence, therefore, they are not entitled for bail.

6. Since, on similar footings the co-accused have been granted extra ordinary relief in shape of pre arrest bail whereas the applicants are in custody right from date of their arrest. No technical or legal purpose would be served by keeping the applicants behind bars.

7. Accordingly and in view of above, instant bail application is hereby allowed. The applicants shall be released on bail subject to furnishing solvent surety in the sum of Rs.50,000/= each and P.R bonds in like amount to the satisfaction of trial Court.

8. Needless to observe that the observations made herein above are tentative in nature which shall not influence the mind of trial Court while deciding fate of the case.

~~JUDGE~~

shabir