

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Cr.Bail.Appl.No.S- 943 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE
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07.06.2017.

Mr. Mir Ahmed Mangrio, Advocate for applicants.
Mr. Shahid Ahmed Shaikh, A.P.G. for the State.

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Through instant bail application, the applicants are seeking post arrest bail in Crime No.05 of 2015 registered at PS Manjhand u/s 302, 337-Ai, 337-Fi, 504 , 34 PPC.

2. Precisely, relevant facts of the case are that applicants No.1 and 2 caught hold Ali Nawaz and the applicant No.3 Sultan caused hard blunt substance of hatchet although the applicants No.1 and 2 were also armed with hatchets.

3. At the outset learned counsel for the applicants does not press the instant bail application on behalf of applicant No.3 Sultan to whom it is alleged that he caused the hard blunt substance injury to the deceased whereas learned counsel contends that it is unbelievable that the applicants No.1 and 2 being armed facilitated the applicant No.3 though they were in a position to cause injuries to the deceased. It is further contended that they are in custody since two years and their case requires further probe.

4. In contra learned A.P.G. contends that their role is of facilitating the main accused therefore, they are also equally responsible u/s 34 PPC.

5. It is settled principle of law that the question of vicarious liability would be decided by the trial court after threshing the evidence at final stage whereas the except role of facilitating nothing is alleged against the applicants No.1 and 2 when it is the matter of record that prosecution story says that the applicants No.1 and 2 were armed with hatchets but they did not use the same. Instant fact requires

further probe. Accordingly, applicants No.1 and 2 are admitted to post arrest bail subject to their furnishing solvent surety in the sum of Rs.100,000/- (Rupees one lac) each and P.R. bond in the like amount to the satisfaction of the trial court, whereas bail application of applicant No.3 Sultan is dismissed as not pressed in view of the statement made by learned counsel for the applicant.

JUDGE

Tufail

