

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

Cr. B.A. No. S- 930 of 2017

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**DATED**                      **ORDER WITH SIGNATURE OF JUDGE**

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22.01.2018

For orders on office objection  
For orders on MA 7800/17  
For hearing

Syed Tariq Ahmed Shah, advocate for applicant  
Mr. Shahid Ahmed Shaikh, DPG

**OMAR SIYAL, J.**- Applicant Arz Muhammad has sought post-arrest bail in Crime No. 111 of 2017 registered under Section 302, 324, 147, 148, 149, 114 P.P.C. Earlier, his post arrest bail application was turned down by the learned 2<sup>nd</sup> Additional Sessions Court, Kotri on 28-9-2017.

2. Brief facts of the case are that on 11-4-2017, one Qadir Dad registered the aforementioned F.I.R. It was stated that on 8-4-2017, the complainant along with his brothers Hakim and Ghulam Haider were working in the lands when at about 10:30 a.m. five persons appeared on the scene holding iron rods. The complainant recognized them as Nazeer Mohammad, Asif Mohammad, Siraj, Muneer Ahmed and the Applicant namely Arz Muhammad. Upon the instigation of the Applicant, Nazeer Mohammad and Muneer Ahmed hit the brother of complainant, namely Hakim on his head and feet whereas Asif Mohammad and Siraj hit Ghulam Haider on his head and other parts of the body. The accused then hit the complainant with the iron rods. Ghulam Haider subsequently died on 10-4-2017.

3. I have heard learned counsel for the Applicant as well as learned DPG and have examined the available record with their able assistance. None appeared on behalf of the complainant. My observations are as follows:

- i. The Applicant has been assigned no overt role. He is said to have instigated the accused upon which instigation the remaining accused hit the brothers of the complainant.

ii. The provisional medical report dated 9-4-2017 show the Applicant as having been brought to the hospital at 10:20 a.m. on 8-4-2017 whereas the complainant's version is that the accused party had arrived at the scene of the incident at 10:30 a.m. Further, the medical report reveals that two injuries were caused to Ghulam Haider by "sharp cutting substance" whereas two injuries were caused by "hard and blunt substance". On the face of it, there appear to be discrepancies between the medical and ocular version, a conclusive opinion on which can be given only after evidence is led in trial.

4. Above are the reasons for my short order of 22-1-2018 in terms of which the Applicant was admitted to post arrest bail subject to his furnishing a solvent surety in the amount of Rs. 1,00,000 and P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE