

Order sheet  
**IN THE HIGH COURT OF SINDH  
CIRCUIT COURT HYDERABAD**

Cr. B.A. No. S- 1157 of 2017

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<b>DATED</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
24.01.2018	

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For orders on office objection  
For hearing

Mr. Shahzad Ahmed Narejo, advocate for applicant  
Mr. Shahid Ahmed Shaikh, D.P.G.

**OMAR SIAL, J.-** Applicant Ghazi alias Aijaz has sought post-arrest bail in Crime No. 17 of 2013 registered under Section 302, 34 & 114 P.P.C. Earlier, his post arrest bail application was turned down by the learned Additional Sessions Judge-I, Kotri on 04-10-2017.

2. Brief facts of the case are that on 20-01-2013, complainant Imam Ali registered the aforementioned F.I.R. alleging therein that he has strained relations with Arab Khoso and others over matrimonial dispute. On 20.01.2013 he along with his brothers Barkat Ali, Abbas Ali and cousin Ahsan Ali were coming from Bhitai colony towards Kotri railway crossing via railway track, when reached behind TTC College wall, they saw coming towards them the accused Nazeer (armed with repeater gun), Ghazi alias Aijaz (armed with pistol) & Muhammad Arab and Anwar Ali (empty handed), when they reached near them, accused Muhammad Arab Khoso instigated other co-accused to kill them, upon which accused Nazeer Khoso fired two shots upon his brother Barkat Ali which hit him on his chest who fell down and died, thereafter the accused fled away, hence the above FIR was registered.

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. No overt role has been assigned to the Applicant and his mere presence has been shown on the spot with the accused party. Whether or not the Applicant shared a common intention with the accused Nazeer Khoso (who is said to be the only person who fired

at the deceased) will have to be determined after evidence is led in trial.

ii. The case of the Applicant requires further enquiry and thus falls within the ambit of Section 492(2) Cr.P.C.

4. Above are the reasons for my short order of 24-1-2018 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 a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE

karar\_hussain /PS\*