

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

Criminal Bail Application No.S-838 of 2021

Applicants : Tofeeq @ Jani Gaddi Son of Muhammad Aslam and Sumair Son of Muhammad Aslam, through Mr. Zarab Hyder Memon, Advocate.

Respondent : The State through Mr. Muhammad Nazar Memon, Additional Prosecutor General, Sindh.

Date of hearing : **01.11.2021**  
Date of Order : **01.11.2021**

**O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant bail application, the applicants/accused above named seek their post-arrest bail in Crime No.276 of 2021, under sections 324, 337-F(i), 504, 34 P.P.C, registered at P.S Tando Muhammad Khan, after their bail plea was declined by the learned Additional Sessions Judge-I Tando Muhammad Khan vide order dated 15.09.2021.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Per learned counsel the role assigned against the applicants/accused is only that they have caught hold the injured Mehtab given injuries by co-accused, as such, the case of the applicants/accused requires further investigation. In support of his contention, he has relied upon the case of *Mehmood Akhtar and another Vs. Haji Nazir Ahmad and 4 others [1995 SCMR 310]*. Lastly, he prayed for grant of bail to the applicants/accused.

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4. On the other hand, learned Additional Prosecutor General, Sindh vehemently opposed for grant of bail to the applicants/accused.

5. I have heard learned counsel for the applicants as well as Additional Prosecutor General, Sindh and gone through the material available on record.

6. From perusal of record it reflects that only role assigned against the applicants/accused is that they have caught hold injured Mehtab from his arms subsequently accused Tanveer @ Babloo Gaddi inflicted the dagger blow on his right side abdomen resultantly he become injured and he was shifted to the Hospital for

treatment. In the cited supra case the hon'ble Supreme Court of Pakistan has granted bail to the accused in following manner:

*“Accused was alleged to have caught hold of deceased before he was given injuries by his co-accused. Matter with regard to the accused being that of further enquiry, Supreme Court converted the petition into appeal and accused was granted bail.”*

7. Even otherwise the allegation is yet to be proved at trial when evidence will be recorded before it no purpose would be served to keep them in jail for indefinite period. At bail stage only tentative assessment is to be made. Taking guideline from the above cited case law the learned counsel for the applicants/accused has made out a case for grant of post-arrest bail in view of subsection (2) of section 497 Cr.P.C, resultantly the instant bail application is allowed and the applicants/accused are admitted to bail subject to their furnishing solvent surety in the sum of Rs.50,000/- each and P.R. bonds in the like amount to the satisfaction of learned Trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicants on merits.

*Muhammad Danish\**

JUDGE