

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

**Cr. Bail Appln. No. S- 435 of 2019**

Date	Order with Signature of Honourable Judge
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**For hearing of bail application**

- 1. For orders on office objection at flag ‘A’
- 2. For orders on MA No.4068/2019
- 3. For hearing of bail application

**21.10.2019**

Mr. Abdul Ahad Buriro Advocate for the applicant/accused  
M/s Jamal Nasir Bullo and Farhan Ali Shaikh Advocates for complainant  
Mr. Aftab Ahmed Shar, Additional PG for State

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**AFTAB AHMED GORAR, J:** Through instant Criminal Bail Application, the applicant/accused Yousuf S/o Uris alias Urs Muhammad Jagirani seeks post-arrest bail in Crime No.52 of 2018 registered at Police Station Cantt: Pano Akil for offences punishable under Sections 302, 427, 148, 149 PPC.

2. Learned counsel for the applicant/accused contended that the case is false and the applicant/accused has been falsely implicated by the complainant in this case, whereas, the general role of firing is attributed to the applicant in the commission of the offence. He further contended that this is an unseen incident, whereas, as per Newspaper the dead bodies were shifted to Hospital by the police; the general role of firing is attributed to the applicant including other co-accused, resultantly the deceased has sustained 12 injuries, therefore, it is yet to be determined that who has caused the fatal injury to the deceased Muhammad Mithal; the applicant is a respectable persons of his community and nothing incriminating has secured from his possession, therefore, in such circumstances the guilt of the applicant/accused requires further inquiry

and he is entitled for the concession of bail. In support of his contentions, he has relied upon the cases of ***Ghulam Abbas and others vs. The State (2006 Y L R 2947)*** and ***Abdul Aziz vs. The State (2007 P Cr. L J 1020)***.

7. Learned counsel for the complainant as well as learned Additional PG have vehemently opposed for grant of bail to the applicant/accused by stating that this is a day time incident, whereas, the applicant/accused has been attributed the specific role of direct firing upon deceased Muhammad Mithal, which hit on his right side Neck, in this incident two innocent persons have been murdered; the offence is punishable with death, therefore, the applicant/accused is not entitled for grant of bail.

4. I have heard the learned counsel for the applicant/accused, learned counsel for the complainant and learned Additional PG for the State and perused the record. The perusal of the record reveals that the applicant/accused was armed with kalashnikov at the time of incident and he made direct fire upon the deceased Muhammad Mithal, which hit on his right side of neck. The version of the complainant is supported by the medical evidence, hence it is apparent that the applicant/accused has actively participated in the commission of the offence, in which two persons i.e. deceased Muhammad Mithal and his driver Ali Asghar have been murdered. The offence with which the applicant/accused has been charged entails capital punishment, as such fall within the prohibitory clause of Section 497 Cr.P.C. In view of above circumstances, the applicant/accused is not entitled for grant of bail. The charge against the applicant/accused has been framed in the case. The case-law relied upon by learned counsel for the applicant/accused are not attracted the facts and circumstances of the present case, hence cannot be relied upon.

Accordingly, the bail application is dismissed. The observations made herein above are tentative in nature and will not prejudice the case of either party.

Judge

ARBROHI