

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 382 of 2020

For hearing of bail application.

Mr. Muhammad Juman Sahito Advocate for applicant.
Mr. Zulfiqar Ali Jatui, Additional P.G a/w complainant.

Date of Hearing: 02-11-2020
Date of Order: 02-11-2020

ORDER

Aftab Ahmed Gorar J. Today, complainant Mst. Marvi appeared and submits that she being a poor lady is not in a position to afford the expenses of an Advocate, as such she expressed her faith and confidence upon learned APG for proceeding with the matter on her behalf.

2. On dismissal of his Bail Application by learned Additional Sessions Judge-II, Khairpur vide order dated 22.05.2020, applicant Jamaluddin son of Mukhtiar Hussain Kandhro has approached this Court by filing instant Crl. Bail Application under Section 497 Cr.P.C, for post-arrest bail in case FIR No. 51 of 2020, registered at P.S, Shaheed Murtaza Meerani, under Sections 302 & 114 PPC

3. The gist of the allegations against the present applicant Jamaluddin Kahdhro, as per FIR lodged by complainant Mst. Marvi on 14.03.2020 at 1600 hours at P.S, Shaheed Murtaza Mirani-Khairpur, is that on 13.03.2020 at 1800 hours, present applicant in association with co-accused Wakeel Ahmed came at the place of occurrence and on the

instigation of applicant, co-accused Wakeel Ahmed took out knife/sickle from fold of shalwar and cut down the neck of Mst. Shahul with knife/sickle on account of previous dispute in presence of witnesses, resulting Mst. Shahul succumbed to the injuries. Consequently, above FIR was lodged.

4. Heard learned counsel for the applicant as well as learned Additional P.G for the State so also scanned the material available on record. The latter has frankly conceded to the grant of post-arrest bail to the applicant on the ground that mere allegation of instigation is attributed to him, whereas, overact of committing murder of deceased Mst. Shahul is assigned to co-accused Wakeel Ahmed.

5. Admittedly, the role attributed to the present applicant Jamaluddin kandhro is that of his mere presence at the scene of offence with empty handed and on his instigation, co-accused Wakeel Ahmed committed the murder of his wife Mst. Shahul, however, the applicant is not alleged to have caused any injury either to the deceased or complainant party. Moreover, learned counsel for the applicant has also placed on record statement of co-accused Wakeel Ahmed recorded in terms of Section 161 Cr.P.C, wherein he has categorically stated to have committed the murder of his wife deceased Mst. Shahul alone on the so-called allegation of Karo-Kari, as she had illicit terms with some person.

6. For what has been discussed above, I am of the considered view that *prima facie* the case against the applicant calls for further enquiry, as contemplated under Sub-Section (2) of Section 497 Cr.P.C.

Accordingly, instant Crl. Bail Application stands allowed and the applicant **Jamaluddin Kandhro is admitted to post-arrest bail** subject to his furnishing solvent surety in the sum of **Rs.200,000/- (Two Lac)** with P.R bond in the like amount to the satisfaction of learned trial Court.

7. Before parting, it needs not to make clarification that the observations recorded above are tentative in nature, therefore, the trial Court shall not be influenced in any manner whatsoever.

J U D G E

Ahmad