

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 344 of 2020

- 1.For orders on office objection.
- 2.For hearing of bail application.

Mr. Shewak Ram Valeecha Advocate for applicant.
Mr. Sajjad Ahmed Khokhar Advocate for complainant.
Mr. A.R Kolachi, Deputy P.G for the State.

Date of Hearing: 26-10-2020
Date of Order: 26-10-2020

ORDER

Aftab Ahmed Gorar J. On dismissal of his Bail Application by learned Additional Sessions Judge-II, Khairpur vide order dated 22.04.2020, applicant Rahim Bux alias Mitero by caste Jatoi has approached this Court by filing instant Crl. Bail Application under Section 497 Cr.P.C, for post-arrest bail in case FIR No. 15 of 2020, registered at P.S, Piryaloi, under Sections 364, 302, 148, 149, 337H(2), 212 & 216 PPC.

2. The allegation against the present applicant as per FIR lodged by complainant Muhammad Ramzzan Utero at P.S, Piryaloi on 19.03.2020 at 2200 hours, is that on the eventful date and time, present applicant harboured co-accused/criminal and dacoits, namely, Kashmir alias Kasho, Jabbar alias Jaboo, Misri Jatoi, Rahim Bux alias Rahmoo and four unknown culprits, and stayed them at his house and extended them shelter for committing the murder of the son of complainant, namely, deceased Shoukat Ali, who was abducted by the above named co-accused and later on his murder was committed by the above named

co-accused by causing him fire arm injuries in presence of complainant party. Consequently, above FIR was lodged.

3. Heard learned counsel for the applicant, learned counsel for the complainant as well as learned Deputy P.G for the State so also scanned the material available on record. Learned counsel for the complainant vehemently opposed the grant of bail to the applicant on the ground that his name transpires in the FIR with specific role of harbouring and providing shelter to co-accused/criminals and dacoits.

4. Admittedly, there is inordinate delay of 13-days in lodgement of FIR, for which no plausible explanation has been furnished by the complainant, as such false implication of the applicant after due deliberation and consultation cannot be ruled out. Moreover, the role of abduction of son of complainant and causing his murder is allegedly attributed to co-accused / criminals and dacoits, whereas, the allegation against the present applicant is that of harbouring and providing shelter to said co-accused/criminals and dacoits at his house, which fact is yet to be determined by learned trial Court after recording evidence.

5. 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 **Rahim Bux alias Mitero by caste Jatoi 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.

6. 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