

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

**Criminal Bail Application No.D-31 of 2021  
Criminal Bail Application No.D-33 of 2021**

**Before:**

Mr. Justice Arshad Hussain Khan,  
Mr. Justice Irshad Ali Shah

**Applicants:** 1. Ghulam Mustafa Son of Porho Urf Bajar Khan  
2. Dad Muhammad Son of Tharo Khan  
3. Zulfiqar Ali Son of Noor Khan  
In Criminal Bail Application No.D-31 of 2021  
through Mir Naeem Talpur Advocate.

**Applicants:** 1. Muhammad Qasim Son of Porho Urf Bijar Khan  
2. Muhammad Mureed Son of Lal Khan  
3. Kamal Khan Son of Mir Khan i  
In Criminal Bail Application No.D-33 of 2021 through Mir  
Naeem Talpur, Advocate.

**State:** Through Mr. Shewak Rahtore, Deputy  
Prosecutor General, Sindh for the State.

**Date of hearing :** 15-07-2021.

**Date of order :** 15-07-2021.

**ORDER**

**IRSHAD ALI SHAH, J.**-It is alleged that the applicants with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object by resorting to terrorism deterred the police party of P.S. Kunri led by Inspector Tufail Ahmed Jalalani from discharging their lawful duty as public servants by causing them blows with lathies and backside of hatchets with intention to commit their murder, when they went at the place of incident to recover detenu Mst. Hameeda under

the orders of Sessions Judge Umerkot, and then went away by snatching official rifle from PC Ehsanullah and causing damage to the police mobile, for that the present case was registered.

2. The applicants on having been refused post-arrest bail one after other by learned Judge Anti-Terrorism Court Mirpurkhas Division @ Mirpurkhas have sought for the same from this Court by way of filing two separate Bail Applications u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the police and no specific role in commission of incident is attributed to them, therefore, they are entitled to their release on bail as their case is calling for further inquiry.

4. Learned DPG for the State has opposed to release of the applicants on bail by contending that they have actively participated in commission of incident and on arrest from one of them has been secured the robbed rifle.

5. We have considered the above arguments and perused the record.

6. Names of applicants Dad Muhammad, Zulfiqar Ali and Kamal Khan are not appearing in F.I.R, those have been disclosed subsequently by co-accused Ghulam Mustafa and others during course of investigation, which appears to be significant. On investigation co-accused Majeed, Raja, Muhammad Khan and Muhammad Hassan, who are having utmost similar role have been

let off by the police by finding them to be innocent. Injuries allegedly sustained by the injured have been opined by the Medical Officer to be bailable in nature. Whether bailable injuries were caused to the injured with intention to commit their murder? It requires determination at trial. No injury to any of the injured and role of causing damage to police mobile has been attributed to any of the applicants specifically. The rifle allegedly snatched from PC Ehsanullah by co-accused Rehmatullah has been secured from applicant Ghulam Mustafa which appears to be surprising. In these circumstances, the guilt of the applicants obviously is calling for further inquiry.

7. In view of above, the applicants are admitted to bail subject to their furnishing surety in the sum of Rs.50,000/- each and P.R bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail applications are disposed of accordingly.

**JUDGE**

**JUDGE**

Muhammad Danish Steno\*