

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

Criminal Bail Application No.D-28 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.

**26.04.2022**

Mian Taj Muhammad Keerio, Advocate for applicant.  
Mr. Shewak Rathore, Deputy Prosecutor General, Sindh.

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**Irshad Ali Shah J.-** It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object being armed with deadly weapons, trespassed into the house of complainant Ali Raza, then fired at him and his witnesses with intention to commit their murder, robbed them of their belongings and then took away Mst. Fiza and Mst. Kanwal subjected them to gang rape, for that the present case was registered.

2. The applicant on having been refused post-arrest bail by learned Judge of Anti-Terrorism Court Mirpurkhas has sought for the same from this Court by making instant application u/s: 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party in order to satisfy its dispute with him over freewill marriage of Mst. Rasheeda; the applicant is an old and aged person and no effective role even otherwise in commission of incident has been attributed to him; all the witnesses are related interse, therefore, the applicant is entitled to be released on bail on point of further inquiry. In support of his contentions, he relied upon the cases of *Sheroo and others vs. The State* [2012 YLR 1383], (ii) *Jan Muhammad alias Janan and others Vs. The State* [2016 P. Cr. LJ Note 42], (iii) *Syed Mashud Ali @ Imran Ali Vs. The*

*State [2017 P Cr. LJ Note 213]* and (iv) *Muhammad Din Vs. The State [2020 P. Cr. LJ Note 103]*.

4. Learned Deputy Prosecutor General for the State has opposed to release of the applicant on bail by contending that he is fully involved in commission of incident and offence with which he is charged is affecting the society at large.

5. Heard arguments and perused the record.

6. The applicant is named in FIR with specific allegation that he with rest of the culprits being armed with deadly weapons, after having formed an unlawful assembly and in prosecution of their common object went over to the complainant party, fired at them with intention to commit their murder, robbed them of their belongings and then abducted Mst. Fiza and Mst. Kanwal and then subjected them to gang rape only to satisfy their grudge with them over freewill marriage of Mst. Rasheedan. On DNA examination, it has been confirmed that said ladies have been subjected to gang rape by co-accused Ali Nawaz, Nawab and Ghulam Hyder and they apparently in that act were supported by the applicant vicariously. It was the case of conjoint liability, therefore, it would be immaterial to say that no effective role in commission of incident is attributed to the applicant and he being innocent has been involved in this case falsely by the complainant party. The applicant may be an old and aged person but this fact alone is not enough to enlarge him on bail in case like the present one. The complainant and his witnesses may be related interse but their relationship is not enough to disbelieve them at this stage, they are appearing to be natural witnesses to the incident. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. In none of the case so relied upon by learned counsel for the applicant issue of abduction and gang rape of innocent ladies was involved, therefore, it is of no help to the case of the applicant.

8. In view of the facts and reasons discussed above, it could be concluded safely that no case for grant of bail to the applicant is made out, consequently, the instant bail application is dismissed with directions to learned Trial Court to expedite disposal of very case preferably within three months after receipt of copy of this order.

JUDGE

JUDGE

Muhammad Danish\*