

## IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

### Crl. Bail Application No. S- 94 of 2021

- 1.For orders on o/objection.
- 2.For hearing of Bail Application.

Mr. Muhammad Raza Soomro Advocate for Applicants.  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

**Date of Hearing: 29-03-2021**  
**Date of Order: 29-03-2021**

### **ORDER**

**Aftab Ahmed Gorar J.** On the last date of hearing, matter was adjourned with note of caution that if none appears on behalf of complainant and /or he avoids to proceed with the matter, this bail application will be heard and decided with the assistance of learned APG, but today no one is in attendance on complainant's behalf though intimation notice was sent to complainant's counsel for today's hearing.

2. On dismissal of his Bail Application by learned Additional Sessions Judge-I(MCTC), Khairpur vide order dated 23.01.2021, applicants Shafquat Hussain alias Kalo and Mohsin, both sons of Muhammad Juman Phulpoto have approached this Court by filing instant Crl. Bail Application under Section 497 Cr.P.C, for post-arrest bail in case FIR No. 263 of 2020, registered at P.S, Shaheed Murtaza Mirani, under Sections 302 PPC.

3. Heard learned counsel for the applicants as well as learned Deputy P.G for the State so also scanned the material available on record. Learned Deputy P.G for the State recorded no objection for the grant of bail to the applicants on the ground that no specific role has been attributed to the applicants so also the alleged offence is unseen

as none of the prosecution witnesses has seen the applicants while committing the alleged offence.

4. No doubt, the names of both the applicants transpire in the FIR, but no specific role has been attributed to them for causing the murder of deceased persons. On perusal of FIR, it is also evident that the alleged offence is unseen as there is no eyewitness of the alleged incident, who saw the applicants while committing the alleged offence. Mere on the allegation of previous annoyance on residential house, situated in Faizabad Colony, Khairpur, the applicants are alleged to have committed murder of deceased by putting pillows on their faces, but no eyewitness has been shown to have seen the applicants while committing the alleged offence, as such participation of the applicants in the commission of alleged offence 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 applicants 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 applicants **Shafqat Hussain alias Kalo and Mohsin both sons of Muhammad Juman by caste Phulpoto are admitted to post-arrest bail** subject to their furnishing solvent surety in the sum of **Rs.100,000/-(One Lac)** each 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