

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

### Crl. Bail Application No. S- 43 of 2021

For hearing of Bail Application

Mr. Ali Asghar K.Panhyar Advocate along with Applicants.  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.  
Mr. Abdul Wahab G. Shaikh Advocate files Vakalatnama on behalf of complainant.

**Date of Hearing: 01-02-2021**  
**Date of Order: 01-02-2021**

### **ORDER**

**Aftab Ahmed Gorar J.** Applicants Riaz Hussain alias Riaz and Ahsan Ali alias Ahsan, both by caste Shaikh seek pre-arrest bail in Crime No.365 of 2020, registered at P.S, A-section, Ghotki for offence under Sections 324 & 34 PPC. Earlier the bail plea of the Applicants was declined by learned Sessions Judge, Ghotki vide order dated 07.01.2021.

2. Heard learned counsel for the Applicants, learned counsel for the Complainant as well as learned Deputy P.G for the State. Learned counsel appearing on behalf of the Complainant opposed the confirmation of interim pre-arrest bail on the ground that applicants are nominated in the FIR with specific role of catching hold the injured, whereas, learned DPG for the State conceded to the confirmation of interim pre-arrest bail earlier granted to the applicants by Court.

3. Admittedly, the main role has been attributed to co-accused Liaquat Ali for causing firearm injury to injured Shoukat and the

present applicants Riaz Hussain and Ahsan Ali are alleged to have caught hold of the injured Shoukat Ali. In such a situation, it is yet to be determined at the trial as to whether the present applicants had any intention to facilitate co-accused Liaquat or not so also the participation of the applicants in the commission of alleged offence and applicability of Section 324 PPC are also yet to be determined at the trial after recording evidence. Furthermore, after grant of interim bail, applicants are regularly attending the trial court as well as this Court and there is no complaint from trial Court regarding misuse of concession of bail granted to the applicants by this court, therefore, learned Deputy P.G for the State is justified in recording no objection to the confirmation of interim bail earlier granted to the applicants by this Court.

4. For what has been discussed above, I am of the considered view that the applicants have succeeded to make out a case for confirmation of his interim pre-arrest bail, earlier granted to them by this Court vide order dated 18.01.2021. Accordingly, interim pre-arrest bail, already granted to the applicants by this Court is hereby confirmed on same terms and conditions.

5. The captioned Crl. Bail Application stands disposed of in the above manner.

**J U D G E**

Ahmad