

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

Criminal Bail Application No.S-1159 of 2021
Criminal Bail Application No.S-1070 of 2021

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|-------------|--------------------------------------|
| DATE | ORDER WITH SIGNATURE OF JUDGE |
|-------------|--------------------------------------|

21.03.2022.

Mr. Muhammad Akram Rajput, Advocate for applicants.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Mr. Ashfaq Ali Khaskheli, Advocate for complainant.

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Irshad Ali Shah J.- It is alleged that the applicants with rest of the culprits after having formed an unlawful assembly in prosecution of their common object caused fire shot injury to PW Ali Nawaz with intention to commit his murder and then went away by causing hatchets and iron rods blows to complainant Ashique Ali, PWs Zubair, Masood, Mst. Reshman, Mst. Ayesha, Mst. Meena, Mst. Qaima, and Mst. Samina, for that the present case was registered.

2. The applicants on having been refused post-arrest bail by learned Additional Sessions Judge Hala have sought for the same from this Court by making two separate 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 complainant party in order to satisfy its dispute with them over landed property; the injuries sustained by the complainant and his witnesses are bailable in nature excepting one u/s 337-F(vi) P.P.C sustained by Mst. Ayesha which is not attributed to any of the applicants specifically, therefore, the applicants are entitled to be

released on bail on point of further inquiry. In support of his contentions, he relied upon the case of *Muhammad Faisal Vs. The State and another* [2020 SCMR 971] and *Jan Muhammad Vs. Haji Noor Jamal and another* [1998 SCMR 500].

4. Learned Assistant Prosecutor General for the State and learned counsel for the complainant have opposed to release of the applicants on bail by contending that they have actively participated in commission of the incident.

5. Heard arguments and perused the record.

6. On medical examination no fire shot injury was found on the person of PW Ali Nawaz which appears to be surprising. All the injuries sustained by the complainant and his witnesses are bailable in nature excepting one under section 337-F(vi) P.P.C which is not attributed to any of the applicants specifically. Parties are already disputed over landed property. The case has finally been challenged and there is no apprehension of tampering with the evidence on the part of the applicants. In these circumstances, a case for release of the applicants on bail on point of further inquiry obviously is made out.

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

8. The instant bail applications are disposed of accordingly.

JUDGE

Muhammad Danish*