

**ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

Crl. B.A. No. 472 of 2016.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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For hearing

08-09-2016

Mr. Raja Altaf Hussain Shar advocate for applicant.
Mr. Zulfiqar Ali Jatoi, DPG for the State.

Applicant/accused Gulsher alias Jumo seeks post-arrest bail in crime No.31 of 2016 registered at P.S.Sorah for offences under sections 324, 337H(2), 34 PPC. Previously, accused Gulsher, Mumtaz and Amanullah applied for bail but concession of bail was extended to accused Mumtaz and Amanullah, but same was refused to the applicant/accused Gulsher vide order dated 31.5.2016, passed by learned Additional Sessions Judge-III, Khairpur.

Learned advocate for applicant mainly contended that medical evidence is contradictory to the ocular evidence. According to contents of FIR and 161 CrPC statements of PWs, applicant/accused Gulsher caused fire arm injury to P.W. Mir Muhammad, but according to medical certificate, PW- Mir Muhammad sustained injury by hard and blunt substance. It is further argued that co-accused Mumtaz and Amanullah have already been granted bail by the trial court. In support of his contentions, reliance is placed upon case of Haji Maa Din and another v. The State and another (1998 S C M R 1528).

Learned DPG for the State in view of conflict between medical and ocular evidence recorded no objection.

From the perusal of contents of FIR, 161 CrPC statements of PWs and medical evidence, it is clear that medical evidence is in direct conflict with the allegations contained in the FIR. According to FIR, applicant/accused Gulsher alias Jumo fired upon P.W.Mir Muhammad which hit him, but according to medical certificate, PW- Mir Muhammad had sustained injury by hard and blunt substance. Rightly reliance has been placed upon the above cited authority. Therefore, prima facie case of applicant/accused Gulsher alias Jumo requires further enquiry entitling him to be released on bail. Co-accused have already been granted bail by the trial court. Resultantly bail is granted to applicant/accused Gulsher alias Jumo subject to his furnishing solvent surety in the sum of Rs. 100,000/-(One lac) with PR bond in the like amount to the satisfaction of the trial court.

Observations made hereinabove are tentative in nature. The trial court shall not be influenced by such observations while deciding the case on merits.

JUDGE