

HIGH COURT OF SINDH, CIRCUIT COURT AT HYDERABAD

Cr. Bail Application No.S-1254 of 2022

[Ghulam Rasool versus The State]

DATE	ORDER WITH SIGNATURE OF JUDGE
Applicant	: Through Mr. Aziz Ahmed Leghari advocate
Complainant	: Through Mr. Afzal Karim Virk advocate
The State	: Through Ms. Safa Hisbani Assistant P.G
Date of hearing	: 30.01.2023
Date of Decision	: 30.01.2023

ORDER

KAUSAR SULTANA HUSSAIN, J. – Applicant Ghulam Rasool seeks post-arrest bail in Crime No.33 of 2021 registered with P.S Shadi Pali for offences punishable under Sections 302, 337-A(i), 337-F(i), 337-H(ii), 337-A(ii), 337-L(ii) and 34 PPC. His plea for same relief has been turned down by the learned trial Court vide Order dated 10.11.2022.

2. The allegation against the applicant/accused, as per FIR, is that on 10.11.2021 he alongwith co-accused persons, duly armed with deadly weapons, lathies and hatchets, trespassed into the house of Complainant Mst. Sakina and assaulted upon them by making firing and causing them injuries by hatches and lathies and then abducted Complainant's daughter-in-law namely Mst. Hakim Zadi and also committed Qatl-i-Amd of her son namely Ghulam Mustafa.

3. Learned counsel for the applicant/accused contends that applicant is innocent and has falsely been implicated in present crime by the Complainant; that no specific role has been assigned to him and that co-accused have already been granted bail by this Court vide Order dated 08.09.2022 passed in Bail Application No.S-320 of 2022, as such applicant/accused is also entitled for similar treatment on the rule of consistency. In supports of his case he relied upon (i) 2002 P Cr.L.J 544, (ii) 2014 MLD 394 & (iii) 2010 MLD 220).

4. On the contrary learned APG, assisted by learned counsel for the Complainant, vehemently opposed the bail application on the ground that one person has lost his life while three persons have sustained severe injuries due to assault of accused persons and that the applicant/accused is nominated in FIR with specific role. As far as grant of bail to co-accused is concerned, learned APG submits that said accused persons have been assigned role of causing hatchet and lathies belows to complainant party while present/accused has been assigned role

of making firing and said weapon has also been recovered from his possession. They prayed for dismissal of this bail application.

5. I have heard the learned counsel for the parties and have also gone through the material available on record.

6. From perusal of FIR as well as challan it appears that present applicant/accused has been nominated with specific role not only by the Complainant but also by the eye witnesses. The matrimonial enmity, that deceased had contracted free will marriage with the daughter of accused party, is admitted. The prosecution thus has sufficient material available on record to prima facie connect the applicant/accused with the commission of the offence. As such present applicant/accused is not entitled for concession of bail. The ground of rule of consistency is not helpful for the applicant/accused, as co-accused, who have been granted bail by this Court, as mentioned supra, were shown armed with lathi and hatchet, while the present/accused is shown with weapon and he is also alleged to have made firing. Resultantly, instant bail application stands **dismissed**. However, applicant/accused would be at liberty to repeat the bail application before learned trial Court after recording of statement of Complainant, which shall be decided by the learned trial Court on its own merits, without being influenced by any observation made in this Order.

7. Observations made herein above, if any, are tentative in nature and the same shall not come in the way of learned trial Court while concluding with the trial. Learned trial Court is directed to expedite the trial and conclude it preferably within a period of three months from today.

JUDGE

Sajjad Ali Jessar