

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-230 & 344 of 2022

<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
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12.09.2022

Mr. Khadim Hussain Soomro advocate for applicants along with applicants Pervez Solangi and Wazeer Ali on ad-interim pre-arrest bail (Cr.B.A.S-230/2022).

Complainant present in person.

Mr. Shahid Ahmed Shaikh, Addl. P.G.

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MUHAMMAD IQBAL KALHORO, J.- It is alleged in FIR that on 27.12.2020 there was some Akika Ceremony in the house of co-accused Abbas Solangi situated in village Sand Keerio Taluka Sakrand to where at 11:30 p.m. he took father of complainant as a guest followed by complainant and PW Munawar Ali. Inside the house, co-accused Abbas and present applicants armed with pistols, threatened father of the complainant to accept a proposal of marriage for his daughter or face consequences, but his father refused. Complainant tried to intervene but was stopped on the show of weapons. His father then tried to escape at about 01:00 p.m., which appears to be after one and half hour, co-accused Abbas Solangi fired at him as a result of which he died.

2. In FIR, applicants' only presence is shown. No active role has been assigned to them. Applicant Nazeer Ali was arrested and from him no weapon was recovered either. The place where incident took place belongs to co-accused Abbas Solangi and not to the applicants, as is admitted by the complainant himself present in person. Learned defense counsel citing these grounds has pleaded for bail, whereas, learned Additional Prosecutor General Sindh has opposed it so also complainant.

3. It is apparent that no specific role has been assigned to the applicants. Their mere presence is shown in a house, which does not belong to them, as stated above. The main role of causing murder of the deceased has been assigned to co-accused Abbas

and in these circumstances, implicating the applicants in this case by the complainant out of malafide cannot be ruled out.

4. Accordingly, these applications are allowed, ad-interim pre-arrest bail granted to applicants Pervez Solangi and Wazeer Ali Solangi (Cr.B.A No.S-230/2022) vide order dated 08.03.2022 is hereby confirmed on the same terms and conditions, whereas, applicant Nazeer Ali (Cr.B.A. No.S-344/2022) is granted post arrest bail against a surety in the sum of Rs.200,000/- and P.R. Bond in the like amount to the satisfaction of trial court.

5. The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE