

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.D- 37 of 2023

Present:

**Omar Sial and**

**Jawad Akbar Sarwana, JJ**

Applicant : **Usama Ulro** through Mr. Qurban Ali Malano, Advocate.

The State : Through Mr. Aftab Ahmed Shar, Additional Prosecutor, General.

Date of Hearing : **27<sup>th</sup> June, 2023**

Date of Decision : **27<sup>th</sup> June, 2023**

## **ORDER**

**Omar Sial, J.:** We have heard learned counsel for the applicant as well as the learned Additional P.G for the State. Abdul Rehman, complainant of the case is present himself. We are surprised that the complainant states that the FIR was registered by the police on its own without any input from him. Simultaneously, the injured in the incident, namely, Kailash is also present and states that the applicant was not one of the people who had fired upon him. In fact, he submits that he has never recorded a statement under Section 161 Cr.P.C.

2. Learned Additional P.G for the State present in Court in connection with other matters waives notice and faced with this situation understandably is not in a position to add anything further.

3. According to queries from the complainant and injured as to why they did not apprise the learned trial Court of what they state today, both individuals' stance is that they had informed the trial Court and in fact sworn their affidavits submitting the same; however, the trial Court took no note of the same.

4. In these circumstances, we are left with no option but to admit the applicant on bail as considerable doubt has been created calling the case of the applicant one of further inquiry. It does not appear that the complainant and injured are under any pressure, duress or coercion. Accordingly, applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (Two Lac) with P.R bond in the like amount to the satisfaction of Additional Registrar of this Court.

5. Instant Crl. Bail Application stands **allowed** accordingly.

**JUDGE**

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