

ORDER SHEET  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Cr. Bail App. No. S – 188 of 2023**

Date of hearing	Order with signature of Judge
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1. For order on office objection at Flag-A
2. For hearing of bail application

**06.11.2023**

Mr. Mehtab Ahmed Shar, Advocate for applicants.  
Mr. Nisar Ahmed Bhanbhro, Advocate for complainant.  
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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**Muhammad Iqbal Kalhoro, J.** – On a petty matter i.e. exchange of hot words by their children, accused party comprising seven (07) persons including applicants, duly armed with *lathis* and hatchets, attacked upon complainant party on 27.11.2022 in front of *Otaque* of Sohbat Ali injuring four (04) persons including son of complainant, namely Waheed Ali. The injured were taken to Gambat Hospital, where injured Waheed Ali succumbed to his injuries and died, whereas, other injured were duly treated and have been opined by Medico Legal Officer to have received one injury each by a sharp cutting weapon, hence FIR.

2. Out of three (03) injured, Barkat Ali's injury has been declared as 336 PPC: itlaf-i-salahiyat-i-udw. He has lost his one eye. Whereas, injured Ashique Ali and Gondal are said to have received minor injuries: 337-A(i) PPC, punishable for two (02) years. Although applicants are alleged to have caused injuries to injured Ashique Ali and Gondal with *lathis*, but, they, as per medical certificates, have received injuries only from a sharp cutting weapon. The medical certificates of injured including of deceased do not show that they have received any injury from a *lathi*. The co-accused, who are assigned main role of causing of injury to the dead and injured, are in jail. Applicants were arrested on 30.11.2022 and since then they are also in jail.

3. In such background, applicants' Counsel has prayed for bail, opposed by learned Counsel for complainant and learned DPG, who have relied upon cases of *Gul Akbar v. The State* (2007 SCMR 1798), *Noor Sultan and others v. The State and others* (2021 SCMR

**176)** and *Hilal Khattak v. The State and another* (**2023 SCMR 1182**) to support their arguments.

4. The case of the applicants causing *lathi* blows to the injured requires further enquiry in that such role is *prima facie* not borne out of the medical evidence. Further, they are not alleged to have caused any injury to the deceased. The question of their sharing common intention with the main accused is yet to be determined by the trial Court. For almost one year, they are in jail, and even, reportedly, the charge has not been framed, and this delay is not even attributed to them.

5. Therefore, accordingly this application is **allowed**, and applicants are **granted** post-arrest bail subject to furnishing a solvent surety in the sum of Rs.1,00,000/- (Rupees one lac) each and P.R. bond of the same amount to the satisfaction of the trial Court.

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

The bail application stands **disposed of** in the above terms.

Abdul Basit

J U D G E