

**HIGH COURT OF SINDH, CIRCUIT COURT
AT HYDERABAD**

Cr. Bail Application No.S-1121 of 2023
[Shahid Hussain @ Deedar & another versus The State]

Applicants : Through Mr. Ghulamullah Chang advocate

State : Through Ms. Rameshan Oad Assistant P.G
a/w IO Inspector Ghulam Qadir Sarki

Date of hearing: 28.11.2023

Date of decision: 28.11.2023

ORDER

MUHAMMAD KARIM KHAN AGHA J.- Applicants Shahid Hussain @ Deedar and Mour Jamali alongwith co-accused have been booked in Crime No.54 of 2023 registered at P.S Talhar under Sections 324, 353, 337-F(i), 337-H(ii), 506(2), 114 and 35 PPC, which is proceeding before learned Additional Sessions Judge Matli (trial Court). They had applied for post-arrest bail before the learned trial Court, however, it was declined vide Order dated 05.10.2023, hence they have approached this Court for post-arrest bail.

2. Brief facts of the case, as per FIR lodged by SIP Siraj Ahmed Shaikh, are that on 05.04.2023 he received the information that wanted accused of crime No.53 of 2023 are heading towards Purano Neero. He put together a police party in order to arrest the wanted accused persons. When the police party attempted to arrest the applicants and other co-accused, they made straight fires upon the police party, police also retaliated and as a result one police mobile was hit and a hatchet blow was caused to PC Zulfiqar Ali. The applicants and other co-accused, however made their escape good and were later on arrested.

3. I have heard the learned counsel for the applicants as well as learned Assistant Prosecutor General.

4. This is a case of ineffective firing, whereby the applicants are named in FIR and the applicant Shahid Hussain @ Deedar has been given a

general role whereas applicant Mour Jamali has been given role of causing hatchet blow to the finger of PC Zulfiqar Ali; however it is noted that despite this alleged encounter going on for a considerable period of time, no police official received any firearm injury so also by any of the accused persons. It is also noted that though it is alleged that many empties have been recovered from the site of encounter, however, when the applicants were arrested subsequently, no recovery was made from them, which makes the recovery of empties inconsequential in order to connect the applicants with the crime. No hatchet has been recovered from applicant Mour Jamali. It is also strange that despite the accused not arrested at the spot, complainant was able to name seven of the accused persons in FIR and even none of applicants/accused, arrested subsequently, was produced before learned Magistrate concerned for their identification parade.

5. In view of the above discussion, I find that this is a case of further inquiry. Accordingly, both the applicants/accused are admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.2,00,000/- each and a P.R Bond in the like amount to the satisfaction of learned trial Court.

6. Needless to mention here that observations made hereinabove are tentative in nature and the same will not prejudice the case of either party at trial.

7. Captioned bail application stands disposed of accordingly.

JUDGE

Sajjad Ali Jessar