

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 487 of 2023

Date of hearing	Order with signature of Judge
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For hearing of bail application

1. For order on office objections at Flag-A
2. For hearing of bail application

19.01.2024

M/s Ubedullah Ghoto and Naeemuddin Chachar, Advocates for applicants/accused.

Complainant, present on earlier date(s), has chosen to remain absent.

Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – Applicants, arraigned as accused in Crime No.323 of 2022, registered at Police Station ‘A’ Section, Ghotki U/S 302, 324, 452, 147, 148, 149, 337-H(2) PPC, with the role of firing at the deceased Mst. Mukhtiar and injured Muhammad Suleman on account of a previous dispute, are seeking post-arrest bail on the grounds that only general allegations have been leveled against them; in investigation were declared innocent; have been implicated in this case on account of enmity; and at least 11 accused have been named in FIR, with general allegations.

2. Learned defence Counsel, in support of above grounds, has relied upon cases of Nasar v. The State and others (2017 SCMR 130), Nawaz Ali Jatt and another v. The State (2020 P Cr. L J Note 89), Mukaram v. The State (2020 SCMR 956), Anwar Shaheen and another v. The State and another (2021 SCMR 1032), Hussain Ahmed v. The State and others (2021 SCMR 1263), Sikandar Hayat v. The State and another (2022 SCMR 198), an unreported order of the Supreme Court dated 18.10.2023 passed in **Criminal Petition No.1116/2023** (Re: Ghulam Sarwar v. The State through P.G. Sindh) and two unreported orders of this Court dated 23.10.2023 and 15.01.2024 passed in **Cr. Bail App. No. S-272 of 2023 & others** (Re: Rahim Bux & another v. The State) and **Cr. Bail App. No. S-884 of 2023**, respectively.

3. On the contrary, learned Additional Prosecutor General has opposed bail to the applicants on the ground of them being specifically nominated in the FIR.

4. I have considered submissions and perused the material and law relied in defense. In FIR, as many as 11 accused armed with different weapons have been nominated by the complainant. And there are at least 05 accused armed with Kalashnikovs including applicants, who are said to have fired at deceased and injured. After the matter was reported, in investigation, the accused were let off by the Investigating Officer, who placed their names in column No.2. Although Magistrate took cognizance of offence against all the accused including applicants, but the fact that in investigation no tangible evidence *prima facie* was found against them would make their case to be one of further enquiry and their implication by the complainant on account of a motive other than bonafide cannot be ruled out.

5. Consequently, in view of above facts and circumstances and the ratio laid down in the case law relied upon by defence Counsel, this application is **allowed**, and applicants are **granted** post-arrest bail subject to their furnishing a solvent surety in the sum of Rs.2,00,000/- (Rupees two lac) each and PR 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.

J U D G E

Abdul Basit