

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
Crl. Bail Application No. S-767 of 2023

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1. For Orders on office objection.
2. For Hearing of Bail Application

**19-01-2024.**

Mr. Anwar Ali Lohar, Advocate for applicant.  
Mr. Manzoor Ali Soomro advocate for L.Rs of the deceased.  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State  
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**Irshad Ali Shah, J;-** It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object committed murder of Muhammad Ismail by causing him fire shot injuries and then went away by making aerial firing to create harassment, for that the present case was registered.

2. The applicant on having been refused bail by learned Sessions Judge, Ghotki; has sought for the same from this Court by way of instant Crl. Bail Application u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party on the basis of vicarious liability; therefore, he is entitled to be released on bail on point of further inquiry, which is opposed by learned DPG for the State and learned counsel for the legal heirs of the deceased by contending that on arrest from the applicant has been secured the gun, which he was having at the time of incident.

4. Heard arguments and perused the record.
5. The role attributed to the applicant in commission of incident is only to the extent that he together with rest of the culprits caught holds the deceased when he was fired at by co-accused Gulsher. The parties are said to be disputed over matrimonial affairs; in such situation, the involvement of the applicant by the complainant party in commission of incident on the basis of vicarious liability obviously would call for its determination at trial. Of course, there is recovery of gun from the applicant but same admittedly was not used by him by committing death of the deceased. In these circumstances a case for release of the applicant on bail on point of further inquiry obviously is made out.
6. In view of above the applicant is admitted to bail subject to his furnishing solvent surety in sum of Rs.200,000/- (Two lac) and P.R bond in the like amount to the satisfaction of learned trial Court.
7. The instant bail application is disposed of accordingly.

Judge