

**Order Sheet**  
**IN THE HIGH COURT OF SINDH,**  
**BENCH AT SUKKUR**

Crl. Bail Application No.S- 449 of 2023

Date of hearing	Order with signature of Judge.
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- 1.For orders on office objections.
- 2.Hearing of Bail Application

**25-08-2023**

Both applicants are present on ad-interim pre-arrest bail.  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

**ORDER**

**MUHAMMAD IQBAL KALHORO, J.-** Applicants' counsel, on the last date of hearing, had stated that applicants had compromised with complainant and they would bring complainant for this purpose on next date i.e. today. Therefore, a last chance was given to him for this purpose and arguments. Today, he has chosen to remain absent without any intimation.

2. I have heard applicants who state that they are innocent and have falsely been implicated in this case.

3. This is a triple murder case, in which three persons, namely, Qabool Kori, Jalal Kori and Gahno Kori were murdered by applicants and other co-accused, named in the FIR No.37 of 2019, registered at P.S, Khenjhu-Ghotki under Sections 302, 109, 148, 149 & 403 PPC. Applicants' role is that they allegedly armed with Kalashnikovs murdered Jalal Kori on 06.07.2019 near Reni Canal on account of previous enmity. FIR was promptly registered on the same day identifying all accused and applicants with their respective role. Learned DPG submits that applicants did not join the investigation and are shown absconders in the Challan. Since this is a triple murder case and applicants have been assigned specific role, they are not entitled to bail.

4. I have heard both parties and am of the view that in presence of direct role assigned to the applicants causing murder of deceased Jalal Kori with Kalashnikovs, they are not entitled to concession of pre-arrest bail, an extraordinary relief, meant only to save innocent persons from arrest in a non-bailable offence, which is otherwise requirement of law. Further, after committing heinous offence, such as present one, applicants did not join investigation and remained absconders and were shown as such in the Challan. Therefore, I do not find applicants to be entitled to concession of pre-arrest bail and dismiss this application. At this juncture, learned DPG submits that since applicants failed to join the investigation and were absconders, they may be taken into custody with direction to be produced before the trial Court for the purpose of trial. Order accordingly. Applicants are taken into custody and remanded to jail with direction to be produced before the trial Court on the date of hearing.

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

6. This bail application is dismissed accordingly.

**JUDGE**