

ORDER SHEET  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
Cr. Bail App. No. S - 315 of 2023

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

1. For orders on office objection at Flag-A
2. For hearing of bail application

**28.08.2023**

Mr. Ali Akram Baloch, Advocate for applicants along with applicants Khair Muhammad, Meeran alias Mir Muhammad and Sadoro.

Mr. Achar Khan Gabol, Advocate for complainant.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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**Muhammad Iqbal Kalhoro, J. -** Applicants, allegedly, armed with *lathis* are said to have facilitated co-accused Abdul Waheed in committing murder of son of complainant namely Asif Ali by causing him injuries on his different parts of body with a rake on 24.07.2022 at about 2100 hours near a vacant plot within jurisdiction of Police Station Adilpur. The FIR was registered on 26.07.2022 after two (02) days of the incident.

2. The case of applicants for bail is that they are innocent, falsely implicated in this case, no specific role is assigned to them except presence at the spot, in investigation no incriminating article was recovered from them, delay of two (02) days in registration of FIR has not been properly explained, enmity is admitted in FIR leading to a suspicion of their false implication.

3. These arguments have been rebutted by learned Counsel for complainant and Deputy Prosecutor General on the grounds that applicants are nominated in FIR and Sections 147 and 149, P.P.C. are attracted. Learned Counsel for complainant has relied upon the cases of Nazar Hussain & another v. The State (SBLR 2013 Sindh 132), Muhammad

Hanif and others v. The State (2013 P Cr. L J 1105) and Sidra Abbas v. The State and another (2020 SCMR 2089).

4. I have considered submissions of parties and perused material available on record. All three applicants are stated to have facilitated co-accused, but *prima facie* no specific role is assigned to them. Even they are not stated to have instigated the main accused or in any manner assisted him, or he acted under their influence, to commit murder of the deceased. The point of facilitating the main accused by them requires further inquiry, therefore. The matter of their presence at the spot armed with *lathis* was reported to the Police Station after two (02) days of the incident, which will also make the case against them to be a case of further inquiry. Presence of enmity between parties alluded by complainant in FIR is an additional circumstance, which shows that his attempt to throw a wide net and to involve as many accused as possible from same family cannot be ruled out.

5. In view of above, I am of the view that applicants have been able to make out a case for bail. The case laws, relied upon by learned Counsel for complainant, are distinguishable and not applicable in this case.

6. Accordingly, this application is **allowed** and ad-interim pre-arrest bail already granted to applicants, vide order dated 16.05.2023, is hereby **confirmed** on the same terms and conditions.

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

Criminal Bail Application stands **disposed of** in the above terms.

J U D G E