

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

**Cr. Bail Appln. No. S – 526 of 2023**

**Cr. Bail Appln. No. S – 597 of 2022**

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DATE

ORDER WITH SIGNATURE OF JUDGE

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**Hearing of bail application**

**22.09.2023**

Mr. Sohail Ahmed Khoso, Advocate for the Applicants  
Mr. Fida Hussain Sahito, Advocate along with Complainant  
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General  
for the State along with SIP Mushtaque Ali, Investigating Officer

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**ORDER**  
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**MUHAMMAD IQBAL KALHORO, J.-** Parties are related to each other and there is a dispute between them on some family matter. On the day of incident viz; 01.07.2022 allegedly six accused nominated in the FIR including the applicants, all related to the complainant, armed with deadly weapons stormed into the house of complainant and fired at Aunty of complainant, namely, Mst. Hameeda, who received three injuries and died at spot, hence FIR.

2. During investigating, applicant Lal Bux (Cr. Bail Appln. No.S-526/2023) and co-accused Muhammad Bachal were arrested. From co-accused Muhammad Bachal a pistol was recovered, which was sent along with two empties recovered from the place of incident and report came in positive. Learned counsel for the complainant today has filed an affidavit of complainant Atta Hussain and states that he has compromised with applicant Rab Nawaz, who is his real maternal-uncle and has forgiven him to foster good relations. However, regarding remaining accused he has opposed bail so also learned DPG for the State.

3. Investigating Officer is present and submits that in investigation he had in fact found applicants Allah Bux, Wahid Bux and Rab Nawaz, who are shown to be armed with a pistol each and fired at the deceased, as innocent, as they were not available at the spot but under the pressure of complainant

who had approached his high officials to submit the challan against them, he did so. According to him, co-accused Muhammad Bachal and Lal Bux are the real culprits.

4. Learned defence Counsel in view of above has prayed for confirmation of bail to applicants, Wahid Bux, Allah Bux and Rab Nawaz and has requested for directions to the trial Court to expedite the trial as far as the applicant Lal Bux is concerned, he does not press his bail application, with a request that he may be allowed to repeat the same after examination of the material witnesses within a period of three months.

5. Accordingly, in view of above when complainant has already compromised with one of applicants, namely, Rab Nawaz, who has been assigned similar role to that of applicants Allah Bux and Wahid Bux, and Investigating Officer submits that they were in fact not present at the spot, Criminal Bail Application No.S-597/2022 is allowed and interim pre-arrest bail already granted to the applicants, namely, Wahid Bux, Allah Bux and Rab Nawaz vide order dated 17.11.2022 is hereby confirmed on the same terms and conditions. They are directed to attend the trial Court regularly.

6. Whereas, Criminal Bail Application No.S-526/2023 is dismissed as not pressed. The trial Court is, however, directed to expedite the trial and examine the material witnesses within a period of three months, after which the applicant would be at liberty to file bail application, which shall be decided on its own merits in accordance with the law.

7. The observations made herein above are tentative in nature and will not prejudice the case of either party at the trial.

8. ***Office is directed to place a signed copy of this order in the connected captioned matter.***

Judge