

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

Crl. Bail Application No.S-740 of 2023
(*Mehrab & others v. The State*)

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

Mr. Amanullah G. Malik, Advocate along with applicants.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State a/w complainant.

Date of Hearing & Order: **06-05-2024**

ORDER

MUHAMMAD IQBAL KALHORO, J.- Enmity between the parties is admitted in FIR, in which it is alleged that on the date of incident i.e. 02.10.2023, applicants armed with deadly weapons accosted complainant party when they were grazing their cattle near Jhang Tube Well of Bindi Dhareja at Katcha. Then within their sight started taking away buffaloes, but complainant party resisted and succeeded in getting back eight buffaloes. However, still accused, five in number, were taking away two buffaloes. Hence, brother of complainant Ghulam Ali followed them, upon which they pushed him to the river indus. Complainant and other witnesses raised cries, hence accused party went away. The dead body of deceased was found by police on the same day in naked condition without clothes.

2. Learned counsel in defense has submitted that applicants are innocent and have falsely been implicated in this case by complainant; the story in FIR does not inspire confidence, as deceased was already declared Karo and his dead body was found without clothes which negates story of FIR, registered after 30 hours of the incident makes the case against applicants to be one of further enquiry.

3. On the other hand, learned DPG and complainant have opposed bail.

4. Notwithstanding, there is delay of 30 hours in registration of FIR which needs to be explained properly at the trial. Allegation of pushing deceased in the river Indus also requires further enquiry, as it is alleged that all the accused were armed with deadly weapons and instead of using the same if it was their intention to do away with the deceased, they pushed him in the river. The conduct of PWs and complainant also requires further enquiry as from the story of FIR, it appears that they did not make any effort to save their brother who was drowning within their sight. Recovery of dead body in naked condition also needs to be determined at the trial, as it runs contrary to the story narrated by the complainant in FIR. Therefore, I am of the view that applicants have been able to make out a case for pre-arrest bail.

5. Accordingly, this bail application, in view of above, is **allowed** and the interim pre-arrest bail earlier granted to the applicants by this Court is hereby confirmed on the same terms and conditions. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

The bail application is accordingly **disposed of**.

JUDGE

Ahmad