

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

CrI. Bail Application No.S-62 of 2024  
(*Kashif Ali Bhutto v. The State*)

Mr. Muhammad Farooque Rajper, Advocate for applicant.  
Mr. Athar Hussain Abro, Advocate holds brief on behalf of Mr. Irshad Hussain Dharejo, Advocate for complainant along with complainant.  
Mr. Zulfiqar Ali Jatoi, Additional P.G for the State.

Date of Hearing & Order: **27-05-2024**

## ORDER

**MUHAMMAD IQBAL KALHORO, J.:** As per FIR, registered on 16.09.2023 at 1600 hours, co-accused Aqeel Samoor committed murder of brother of complainant namely Muhammad Arif by causing him firearm injuries on account of previous enmity, when he was sleeping in the Otaq. Applicant and an unknown accused are said to stand outside with a motorcycle to facilitate co-accused Aqeel in escape after committing the alleged offence. When complainant, attracted on fire shots, rushed to the Otaq, he was desisted from interfering by the applicant and an unknown accused.

2. The incident took place on 14.09.2023 at 0030 hours and FIR was registered on 16.09.2023 at 1600 hours. In FIR, complainant has claimed that he had not identified two unknown accused standing outside with a motorcycle and he would identify them on seeing again. He recorded his further statement on the next date i.e. 17.09.2023 stating that due to threats of murder by applicant and an unknown accused, he had not given name of applicant. On the basis of which, applicant was made accused and arrested on 16.09.2023.

3. Learned counsel in defense has argued that applicant is innocent and has falsely been implicated in this case due to enmity; his name

does not appear in FIR and no role as far as injuries to deceased is concerned has been assigned to him.

4. Learned counsel for complainant has chosen to remain absent and on his behalf brief is held. Complainant is present and has opposed bail. Learned Additional P.G submits that the case of further enquiry against applicant has been made out.

5. I have considered arguments of parties and perused material available on record. In FIR, which was registered after two days of the incident, complainant has not nominated applicant and claims that there were two unknown accused standing outside with a motorcycle. Whereas, in further statement, he says that on account of murderous threats he had not given name of applicant. *Prima facie*, these are two different statements. Hence, the case against the applicant for bail is made out on account of further enquiry, as because also no active role as far as murder of deceased is concerned, has been alleged against him.

6. Resultantly, applicant is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of **Rs.100,000/- (One Lac)** with P.R bond in the like amount to the satisfaction of the trial Court. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

7. Accordingly, this bail application is **disposed of** in the above terms.

**JUDGE**

Ahmad