

**HIGH COURT OF SINDH, CIRCUIT COURT AT
HYDERABAD**

Cr. Bail Application No.S-440 of 2024
[Rashid @ Arshad @ Biloo vs. The State]

DATE	ORDER WITH SIGNATURE OF JUDGE
Applicant	: Through Mr. Haider Bux Ansari advocate
Complainant	: Through Mr. Haider Ali Maheri advocate
The State	: Through Ms. Sana Memon Assistant P.G
Date of hearing	: 01.07.2024
Date of Decision	: 01.07.2024

ORDER

ZULFIQAR ALI SANGI J:- Applicant Rashid @ Arshad @ Biloo seeks post-arrest bail in Crime No.182 of 2023 registered at P.S S.F Rahu in District Badin under Sections 302, 324, 337-F(ii), 337-F(vi) and 35. He had applied for post-arrest bail before the learned trial Court, however same was declined vide Order dated 27.02.2023.

2. Heard learned counsel for the applicant, learned counsel for the complainant as well as learned Assistant P.G and perused the material available on record.

3. The allegation against the present applicant/accused is that he alongwith co-accused namely Rafique, Mohram, Shoukat, Amjad Kamboh, Sabir and Qurban Kamboh fired upon the complainant party and in result whereof Deen Muhammad was murdered while Abu Bakar and passerby Chetan Bheel received injuries. The role against the present applicant as per FIR is that he fired from his Rifle which hit Abu Bakar, who was examined

by the Doctor and the said firearm injury was certified through medical certificate including final report wherein fracture has been shown due to such firearm injury.

4. Applicant/accused has been assigned specific role in the FIR, which has also been fully supported by the injured Abu Bakar while recording his statement under Section 161 Cr.P.C. In similar circumstances the Supreme Court of Pakistan in the case of QAYYUM KHAN vs. The STATE and others [2022 SCMR 273] has refused the concession of bail to accused by holding that *“The Petitioner along with his co-accused Taimoor Khan fired at the injured and caused four injuries to him. He is specifically nominated in the FIR. The only ground which was agitated before us is that he was found empty handed by the Investigating Officer at the place of occurrence. On the previous date, when a certain query was made to the Investigating Officer as to on which evidence/material he had found the petitioner empty handed, the answer was in negative and that was the reason that the concerned SP Investigation was directed to appear before this Court, who is present today. According to him, the opinion of the investigating officer is not based on any credible evidence and disciplinary action has been taken against him. He also confirmed that he had recommended for re-investigation of the matter. In that eventuality when petitioner is specifically nominated in the FIR for causing injury to the injured, he is not entitled for the concession of bail. The High Court while refusing bail to the petitioner had given valid reasons which are not open to any exception. This petition is dismissed.”*

5. In the above circumstances the applicant/accused is not entitled for grant of bail. Accordingly instant bail application is hereby dismissed.

However, the learned trial Court is directed to conclude the trial preferably within four (04) months with compliance report to this Court through Additional Registrar.

6. The observations made hereinabove are tentative in nature and the learned trial Court shall not be influenced by this order in any manner whatsoever, while deciding the case on merit.

Instant bail application is disposed of in the terms as stated above.

JUDGE

Sajjad Ali Jessar