

Order Sheet  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

Cr. B.A. No. S- 315 of 2024

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DATE	ORDER WITH SIGNATURE OF JUDGE
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12.07.2024

For orders on office objection  
For hearing of main case

Mr. Muhammad Sabir Hussain, Advocate for Applicant  
Ms. Rameshan Oad, APG  
Complainant Muhammad Umer present in person

**ORDER**

**ZULFIQAR ALI SANGI J,** - Applicant Zeeshan Ahmed @ Atta Muhammad seeks post-arrest bail in Crime No. 29 of 2021 registered at Police Station Sultanabad district Tando Allahyar under Sections 302, 324, 504 & 34 PPC. He had applied for post-arrest bail before the learned trial Court, however same was declined vide Order dated 24.07.2023.

2. Heard learned counsel for the Applicant as well as learned APG and perused the material available on record.

3. The allegation against the present applicant/accused is that he alongwith co-accused came at the house of complainant party and caused firearm injury to injured Mumtaz and went away by hurling abuses.

4. Since the role against the present Applicant is causing firearm injury to injured Mumtaz Ali and he has also shared common intention with the principal accused while committing the murder of deceased.

5. Applicant/accused has been assigned specific role in the FIR, which has also been fully supported by the injured 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.”*

6. In the above circumstances the applicant/accused is not entitled for grant of bail. Accordingly, the instant bail application is hereby dismissed. However, the trial Court is directed to conclude the trial preferably within four (04) months with compliance report to this Court through Additional Registrar.

7. The observations made hereinabove are tentative in nature and the 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**

Karar Hussain/PS\*