

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

Criminal Miscellaneous Application No.S-269 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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15.08.2024

Mr. Nihal Khan Lashari advocate for applicant.

ZULFIQAR ALI SANGI, J This application is filed u/s 497(5) Cr.P.C. against the order passed by this Court on 26.02.2024 in Criminal Bail Application No.S-1253/2023.

2. Heard learned counsel for the applicant and perused the order. Perusal of the order reflects that this Court has granted bail to the accused while assigning reasons in para No.6, same is reproduced as under:

No doubt the name of the applicant/accused appeared in the F.I.R but no specific role has been assigned against him. In the case of Qurban Ali v. The State and others (2017 SCMR 279), the Honourable Supreme Court of Pakistan had granted bail to the accused who had not been attributed any overt act during the occurrence except the role of raising 'lalkara'. Trial Court in such circumstances had to determine, after recording pro and contra evidence, whether the accused was vicariously liable for the acts of his co-accused. The case against the accused was one of further enquiry. In the case of Mumtaz Hussain and 5 others v. The State (1996 SCMR 1125), the bail was granted to accused on the ground that despite being allegedly armed with deadly weapons like rifle, gun and hatchet only caused simple blunt injuries to some of the prosecution witnesses using the wrong side of their weapons. The question whether the accused in such a situation shared his common intention with the co-accused who had caused the death of the deceased needed further inquiry.

3. Perusal of para No.6 of the order reflects that no any illegality or infirmity has been committed by this Court in the said order while granting bail to the accused. Under such circumstances, this CrI. Misc. Application along with pending application is dismissed.

JUDGE

