

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.D- 108 of 2023

Present:

**Muhammad Iqbal Kalhoro &
Arbab Ali Hakro, JJ**

Applicant : **Jaro Phulpoto**
through Mr. Ali Gohar Shar,
Advocate.

The State : Through Mr. Aftab Ahmed Shar,
Additional Prosecutor, General
a/w Inspector Sobdar Umrani,
I/c PP Economic Zone, Khairpur.

Complainant : Complainant is served, but he has
chosen to remain absent.

Date of Hearing : **14-02-2024**
Date of Decision : **14-02-2024**

ORDER

MUHAMMAD IQBAL KALHORO, J.: Allegedly, there is enmity between complainant and one Rahim Bux alias Rahmoo Phulpoto, the alleged dacoit, on account of which, he had already murdered one Usman, a nephew of complainant. He was still not satisfied and had issued threats to the complainant. On 08.05.2023, when complainant party comprising Yar Muhammad (complainant), his brothers Waqar Ahmed, Shah Bux, nephews Imran and Hajan was present in the lands, accused Rahim Bux alias Rahmoo Phulpoto along with 15 others, out of whom 12 are nominated and three shown as unknown accosted complainant party, and on account of previous enmity, started firing murdering Shah Bux and Waqar Ahmed at the spot. Name of applicant

is revealed in further statement by the complainant nominating the applicant and two others to be the unknown accused mentioned by him in the FIR. However, during investigation, one of them Shahzado, shown as unknown, but then named by complainant in his further statement, was let off by the I.O. However, applicant has been referred to the Court for trial.

2. Learned defense counsel submits that the case against applicant requires further enquiry, as he is not named in the FIR and more so, no specific role has been assigned to him. Co-accused Shahzado, against whom identical role has been alleged by the complainant, has been let off by the police. His arguments have been rebutted by learned Additional P.G for the State.

3. We have considered the arguments and perused material available on record. Applicant has been arraigned as accused in the case only on the basis of a further statement of complainant, recorded after 15 days of the incident, in which he, *prima facie*, has not assigned him any specific role. The I.O during investigation had let off one Shahzdo, who was identically named by complainant as accused in his further statement. The role of applicant is similar to the role of that let off accused. Hence, his case would also require further enquiry into his guilt in terms of section 497(2) CrPC.

4. Accordingly, this bail application is **allowed** and applicant is admitted to post-arrest bail subject to his furnishing a solvent surety in the sum of **Rs.200,000/- (Two 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.

JUDGE

JUDGE

Ahmad