

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Bail Application No. S- 38 of 2024
(*Sikander Ali Sirohi Vs. The State*)

1. For Orders on office objection.
2. For Orders on MA No. 442/2024 (Ex./A)
3. For hearing of Bail Application

02-04-2024.

Mr. Rukhsar Ahmed Junejo, advocate for the applicant.
Mr. Fida Hussain Sahito, advocate for the complainant.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

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1. Over ruled.
2. Granted subject to all just legal exceptions.
3. It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object committed murder of Tanveer Hussain by causing him fire shot injuries and then went away by making aerial firing to create harassment, for that the present case was registered.
2. The applicant on having been refused bail by learned IInd Additional Sessions Judge Khairpur; has sought for the same from this Court by way of instant Crl. Bail Application u/s 497 Cr.P.C.
3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party only to satisfy its grudge with him; the FIR of the incident has been lodged with delay of about one day; role attributed to the applicant in commission of the incident is only to the extent of making aerial firing and co-accused Anwar Ali has already been admitted to bail by learned trial Court; therefore, the applicant is entitled to be admitted to bail on point of further inquiry and consistency.
3. Learned Deputy P.G for the State has raised no objection to release of the applicant on bail; however, learned counsel for the complainant has opposed to release of the applicant on bail by contending that on arrest

from him has been secured the repeater gun which he allegedly used in commission of the incident; he is hardened criminal of the area and he is involved in commission of the incident vicariously.

4. Heard arguments and perused the record.

5. The FIR of the incident has been lodged with delay of about one day. The role attributed to the applicant in commission of incident apparently is only to the extent of making aerial firing. The parties are disputed over drainage of water; therefore, the involvement of the applicant in commission of the incident on point of vicarious liability would call for its determination at trial. The repeater gun is alleged by the applicant to have been foisted upon him by the police; such recovery even otherwise is not enough to deny him concession of bail, when it is found to have made out on merits. The applicant may be having a criminal record but it has got no concern with the merits of the present case. The case has finally been challaned and there is no likelihood of absconion or tampering with the evidence on the part of the applicant. In these circumstance; a case for release of the applicant on bail, on point of further inquiry obviously is made out.

6. In view of above the applicant is admitted to bail subject to his furnishing solvent surety in sum of Rs.200,000/- (two lacs) and P.R bond in the like amount to the satisfaction of learned trial Court.

7. The instant bail application is disposed of accordingly.

Judge