

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S – 702 of 2024

| | |
|------|---------------------------------------|
| Date | Order with Signature of Hon'ble Judge |
|------|---------------------------------------|

Hearing of bail application

1. For orders on office objection at flag 'A'
2. For hearing of bail application.

31.10.2024

Mr. Mohsin Raza Gopang, Advocate for the Applicants
Syed Sardar Ali Shah Rizvi, Additional PG for the State

ORDER

Zulfiqar Ali Sangi, J:- Applicants Ghulam Shabbir and Saddam Hussain seek pre-arrest bail in FIR No.485 of 2024 registered under Sections 324, 452, 504, 34 and 337-H(ii) P.P.C at PS Moro, District Naushahro Feroze, after their earlier bail for same relief was declined by learned Additional Sessions Judge, Moro vide impugned order dated 26.09.2024, hence this bail application.

The facts relating to bail application in hand are already mentioned in FIR as well as memo, therefore, there is no need to reproduce the same.

It is contended by learned counsel for the applicants that as per FIR the allegation against the present applicants is that they only made aerial firing; however, the specific role of firing upon brother of complainant, namely Abdul Khaliq has been attributed to co-accused Hazar Khan, who has been granted pre-arrest bail by the trial Court on the ground of no objection by way of filing affidavits by complainant Jhando Khan and injured Abdul Khaliq vide order dated 26.10.2024. He next contended that the case of present applicants is on better footings to that of the co-accused namely Hazar Khan, who has already been admitted to pre-arrest bail. He lastly contended that the applicants are also entitled for the concession of pre-arrest bail on the rule of consistency.

Today, complainant namely Jhando Khan is also present in Court and affirmed the above position and raised no objection for grant of pre-arrest bail to the present applicants. Learned Addl. PG also conceded for grant of bail to the applicants in view of the no objection given by the complainant.

Since the main accused, namely Hazar Khan, who has been assigned the specific role of firing upon brother of the complainant, namely Abdul Khaliq has been admitted to pre-arrest bail by the trial Court vide order dated 26.10.2024 on the basis of no objection given by complainant Jhando Khan and injured Abdul Khaliq by way of filing their affidavits and the case of present applicants is rather on better footings. The complainant, namely Jhando Khan is present in Court today also recorded no objection for confirmation of pre-arrest bail to the applicants. In these circumstances, the applicants are entitled for confirmation of pre-arrest bail, hence the interim pre-arrest bail already granted to the applicants vide order dated 07.10.2024 is hereby confirmed on same terms and conditions. The applicants are directed to attend the trial Court regularly.

The bail application stands allowed in the above terms.

Judge

ARBROHI