

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 738 of 2024

Date	Order with Signature of Hon'ble Judge
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Hearing of bail application

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

14.11.2024

Mr. Shabbir Ali Bozdar, Advocate for Applicants
Mr. Shafi Muhammad Mahar, DPG for the State
Complainant Ghulam Mustafa present in person

ORDER

Zulfiqar Ali Sangi, J:- Through this bail application, applicants Naeem Akhtar, Muhammad Saleem and Muharram Khan, seek post-arrest bail in the case arising out of FIR / Crime No.57 of 2024 registered under sections 302, 324, 337-H(ii), 337-F(vi), 504, 147, 148 and 149 PPC at Police Station, Darya Khan Mari, District Naushahro Feroze, after their bail plea was declined by learned Sessions Judge, Naushahro Feroze vide order dated 28.09.2024.

2. 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.

3. It is contended by learned counsel for the applicants that as per FIR the allegation against the applicants is that they were available at the place of incident along with other accused who have directly fired upon the deceased and injured; that no specific role has been assigned against the applicants in the FIR; that the co-accused, namely Assadullah and Zafar Ali, who have been assigned the role of making direct fires from their guns upon Rato Khan and Sadam Hussain, have been granted bail by the trial Court vide order dated 10.07.2024 which was challenged by the complainant by way of filing Crl: Misc. Appln. No.S-409 of 2024 before this Court seeking cancellation of their bail, however, same has been withdrawn on the basis of compromise reached outside the Court; that the complainant has also conceded for grant of bail to the present applicants.

4. In view of the no objection by complainant, learned Deputy PG for the State also conceded for grant of bail to the present applicants on the

ground that the co-accused, namely Assadullah and Zafar Ali who have been assigned the specific role of firing upon the injured PWs have been granted bail by the trial Court, whereas, the case of the present applicants is on better footings to that of co-accused, who have been granted bail by the trial Court.

5. Heard learned counsel for the applicants, learned Deputy PG for the State duly assisted by complainant in person and perused the material available on record.

6. Admittedly as per FIR the allegation against the present applicants is that they were present at the place of incident duly armed with lathies and pistol along with other accused but no specific role has been assigned to them except the role of mere aerial firing to applicant Muhammad Saleem, who was allegedly having pistol at the relevant time. The co-accused, namely Asadullah and Zafar Ali, who have been assigned the direct role of firing upon injured Sadam and Ghulam Qadir, have been granted bail by the trial Court vide order dated 10.07.2024. The case of present applicants is on better footings to that of co-accused. The complainant, namely Ghulam Mustafa has appeared today before the Court and has extended no objection for grant of bail to the present applicants.

7. In view of the above, the instant bail application is allowed, the applicants are directed to furnish a solvent surety in the sum of Rs.100,000/- (One lac) each and PR bond in the like amount to the satisfaction of trial Court.

Judge

ARBROHI