

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 682 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

Syed Jaffar Ali Shah, Advocate for Applicant
Mr. Achar Khan Gabol, Advocate along with Complainant
Mr. Shafi Muhammad Mahar, DPG for the State

ORDER

Zulfiqar Ali Sangi, J;- Through this bail application, applicant, Abdul Sattar Junejo, seeks post-arrest bail in the case arising out of FIR / Crime No.06 of 2024 registered under sections 302, 324, 337-H(ii), 147, 148 and 149 PPC at Police Station, Abdul Rehman Unar, District Khairpur, after his bail plea was declined by learned Additional Sessions Judge-I/MCTC, Khairpur vide order dated 26.09.2024.

2. As per FIR the allegation against the present applicant is that he being armed with Repeater along with co-accused had attacked upon the complainant party wherein two persons namely Aziz-ur-Rehman and Ameer Bux have died, however, Muhammad Safar has received firearm injuries.

3. It is contended by learned counsel for the applicant that there is delay in lodging of the FIR; that no specific role has been assigned against the present applicant and 14 persons were shown in the FIR, however 09 were named; that the applicant was arrested before the registration of FIR; that there appear no evidence of facilitating the co-accused by the present applicant. He has lastly contended that the case against the applicant requires further inquiry and he is entitled for the concession of bail.

4. Learned Counsel for the complainant has opposed the bail application of the applicant on the ground that the delay in registration of FIR has been properly explained as the injured persons were first taken to the hospital, where they were provided treatment; that the applicant is nominated in the FIR and a huge quantity of empties were recovered from the place of incident and the Investigating Officer has collected ample evidence which connects the present applicant in the commission of the

offence. He has placed reliance on the cases of *Sidra Abbas vs. The State and another (2020 SCMR 2089)* and *Mehboob Ali Shah vs. The State (2014 MLD 1471)*. Learned Deputy PG for the State also opposed for grant of bail to the applicant.

5. Heard learned counsel for the applicant, learned Counsel for the complainant and Deputy PG for the State and perused the material available on record.

6. From tentative assessment of material available on record, it reflects that incident took place on 19.04.2024 and thereafter the applicant was arrested on 20.04.2024 and recovery of pistol was affected during his arrest, whereas, FIR of the incident was registered on 22.04.2024 even after two days from the arrest of the present applicant. In the FIR no direct role of firing upon the deceased or injured was assigned by the complainant against the present applicant; however, the role against each accused for causing firearm injuries to deceased and injured is specifically shown against co-accused, who are still absconders. The recovery of empties was affected from the place of vardat; however, repeater which as per FIR was used by the present applicant for aerial firing has not been recovered. Even from perusal of FIR, there is nothing on record which established that the present applicant has facilitated the co-accused for committing the offence. The case law relied upon by learned counsel for the complainant is not applicable to the facts and circumstances of the case in hand. In such circumstances, the case against the present applicant requires further enquiry and he is entitled for grant of bail.

7. In view of the above, the instant bail application is allowed. The applicant is granted post-arrest bail subject to furnishing a solvent surety in the sum of Rs.200,000/- (Two lac) and PR bond in the like amount to the satisfaction of trial Court.

8. The observations made herein above are tentative in nature which shall not prejudice the case of either party at the trial.

Judge

ARBROHI