

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

Cr.Bail Appln:No.S-880 of 2024

Cr.Bail Appln:No.S-1255 of 2024

Applicants: Shabbir Shah son of Allah Dino Shah and Gul Hassan Shah alias Sheedo son of Ghulam alias Mashan Shah, through Mr. Muhammad Iqbal Qassar, Advocate.

Respondent: The State through Ms. Sobia Bhatti, A.P.G.

Date of hearing: **13.01.2025**

Date of Order: **13.01.2025**

**O R D E R**

**AMJAD ALI SAHITO, J:-** Through this single order I intend to dispose of above captioned both criminal bail applications arising out of same Crime No.22 of 2024, under section 302, 324,, 337-F(i), F(iii), 337-A(ii) and 34 PPC, registered at P.S. Bulri Shah Karim, after their bail plea was declined by the learned trial Court vide order dated 15.04.2024 and 05.10.2024 respectively.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Per learned counsel for the applicants, the applicants are innocent and have falsely been implicated by the complainant due to enmity. He further submits that the applicants/accused are in jail and they are no more required for further investigation. He has also pleaded that no specific role has been assigned against them to believe that they have participated in the commission of offence. He prayed for grant of bail to the applicants/accused.

4. On the other hand, I.O of the case present in Court states that the eye-witnesses have fully implicated the applicants/accused with the commission of offence. Learned A.P.G for the State also vehemently opposed this bail application.

5. Heard argument and perused the record.

6. From perusal of record it reflects that on the day of incident at about 03:40 a.m. Mst. Bakhtawar informed the complainant that accused Ghulam Nabi Shah, Shabbir Shah, Gul Hussain Shah alias Sheedo duly armed with repeater appeared at the place of incident wherein they made indiscriminating fires upon the complainant party, resultantly, the husband of Mst. Bakhtawar namely Syed Niaz Hussain Shah and his sister Bibi Bachal lost their lives and Mst. Bakhtawar, her daughter Aneela aged about two years and Kamal Shah received several bullet injuries. The name of applicants/accused appeared in the FIR with specific role as stated above. The ocular evidence finds supports from the medical evidence. The prosecution witnesses have fully supported the version of the complainant. Furthermore, after the arrest of the applicants learned A.P.G has pointed out that the repeater was recovered from one of the accused namely Ghulam Nabi and the same was sent for FSL and received report in positive. At bail stage only tentative assessment is to be made and tentatively there is sufficient material available on record to connect the applicants with the commission of this heinous offence wherein two innocent persons have lost their lives. Learned counsel for applicants/accused has failed to made out the case for grant of bail

in favour of applicants/accused at this stage. Resultantly, instant bail application is dismissed, however, learned trial Court is directed to expedite the subject case and conclude the same preferably within the period of [60] days after receipt of this order and submit such compliance report through Additional Registrar of this Court. I.O present in Court is also directed to ensure presence of the prosecution witnesses for recording their evidence before the learned trial Court.

7. Needless to state that the observations hereinabove are tentative, and nothing herein shall be construed to prejudice the case of either side at trial.

8. The instant application is disposed of accordingly.

**JUDGE**

Ahmed/Pa,