

5

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
Crl. Bail Appln. No.S-426 of 2013.  
Crl. Bail Appln. No.S-12 of 2014.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
-----------------	--

19.5.2014.

1. For orders on office objection.
2. For hearing.

Mr. Ali Nawaz Ghanghro, advocate for the applicants in both the matters, alongwith applicant Muhammad Sulleman, who is present on interim pre-arrest bail.

Mr. Imtiaz Ali Jalbani, Asst. Prosecutor General.

Mr. Muhammad Ashique Dhamraho, advocate for the complainant in both bail application, alongwith the complainant.

-----

Applicant/accused Muhammad Sulleman Jakhrani seeks pre-arrest bail and applicant Zafarullah Jakhrani has applied for post arrest bail in crime No.47/2013, registered against the accused on 06.6.2013 at Police Station Civil Line, Jacobabad, under Sections 324, 337-H(2), 147, 148, PPC. Pre-arrest bail was refused to accused Muhammad Sulleman by the learned Sessions Judge, Jacobabad vide order dated 30.7.2013, whereas post arrest bail application of accused Zafarullah was declined vide order dated 12.10.2013. Thereafter, both applicants/accused have approached this Court.

2. As both the bail applications arise out of same crime, therefore, both bail applications are disposed of by this single order.

3. According to the prosecution case, allegation against applicant/accused Muhammad Sulleman is that he fired from his T.T. Pistol, which hit to Mst. Bakhtawar, his ex-wife. It is also alleged that co-accused Zafarullah fired from his T.T. Pistol, which hit to Mst. Bakhtawar, mother of complainant Ghulam Shabir Magsi.

4. I have carefully heard Mr. Ali Nawaz Ghanghro, learned advocate for the applicants/accused, Mr. Imtiaz Ali Jalbani, Assistant

←

MB

Prosecutor General, assisted by Mr. Muhammad Ashique Dhamraho, learned advocate for the complainant, and perused the relevant record.

5. I have come to the conclusion that prima facie, applicants/accused have committed alleged offence for the reasons that :

- (a) Both the applicants have been attributed specific role of firing at Mst. Bakhtawar. Medical Certificate corroborates ocular version alongwith motive.
- (b) Injured Mst. Bakhtawar had filed Constitutional Petition No.S-141/2013 against accused Zafarullah and Muhammad Sulleman before this Court. The same was disposed of by order dated 27.3.2013, with direction to the police officials to ensure that no harassment is caused to the petitioner and her family. Accused Muhammad Sulleman was directed to execute the bond in the sum of Rs.25,000/- for not causing any harassment to the petitioner. In spite of that, both the accused/applicants fired at Mst.Bakhtawar.
- (c) Mst. Bakhtawar received two firearm injuries at her right and left buttocks, as per medical report.
- (d) Two empties of T.T. Pistol were recovered from place of wardat.
- (e) T.T. Pistol has also been recovered from accused Zafarullah;
- (f) Alleged offence falls within the prohibitory clause of Section 497, Cr.P.C.
- (g) Ingredients of the bail before arrest specially malafides as reported in the case of *Rana Muhammad Arshad v. Muhammad Rafiq & others*, **PLD 2009 SC 427**, are missing in the bail before arrest application of accused/applicant Muhammad Sulleman.

6. In view of above, in my opinion, no case for grant of bail to the applicants/accused is made out. Therefore, both bail applications are dismissed. Interim pre-arrest bail already granted to accused/applicant Muhammad Sulleman is hereby recalled.

JUDGE 23/5/2014