

M

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
1st CrI. Bail Application No. D- 24 of 2017

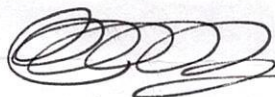
DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

16.8.2017

Mr. Khadim Hussain Khoso, Advocate for the applicant.
Mr. Syed Sardar Ali Shah Rizvi, APG for the State.

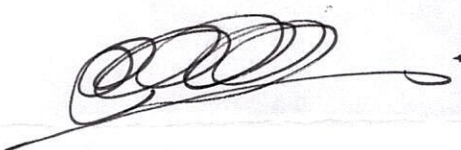
Khadim Hussain Tunio, J.- Applicant Sajid Ali Chandio has filed instant application under section 497, Cr.PC for his release on bail in Crime No. 50 of 2017 registered under sections 324, 353, 365, 342, 392, 224, 225, PPC read with section 6/7 of the Anti Terrorist Act, 1997 at Police Station Naseerabad, District Kamber-Shahdadkot. His bail plea has been declined by learned Judge, Anti Terrorism Court, Larkana vide his order dated 24.07.2017.

2. Brief facts of the prosecution case are that a Constitution Petition No.S-327/2017 was filed before High Court of Sindh Circuit Court, Larkana by one Soomar Chandio for production of detainee Mst.Afroze on 03.5.2017 at 1400 hours. On the said date, in compliance to the orders of the High Court, SIP Roshan Ali Channa of Police Station Naseerabad along with his staff and petitioner went for search of detainee. Complainant also called LNC Rehana Soomro from Women Police Station, Kamber and proceeded vide entry No.12 at 1130 hours. They reached at village Allah Dad Chandio at 1200 hours where 13 accused persons duly armed with weapons/Dandas came out from their houses, who were identified by petitioner as 1.Sikandar Ali armed with Gun, 2.Wazir armed with Danda, 3.Assadullah armed with Gun, 4.Muneer Ahmed armed with Gun, 5.Subhan armed with Danda, 6.Sajid armed with Gun (applicant), 7.Moula Bux armed with Gun, 8.Muhib and 9.Asif armed with Danda, 10.Jalal armed with Gun, 11.Ghulam Mustafa armed with Gun, 12.Qadan armed with Gun and 13.Hubdar armed with Gun. All accused made direct fires upon police party with intention to



cause their murder. Police party also made firing in defence, however, accused kidnapped petitioner and confined him in the house of accused Muneer meanwhile complainant informed about the situation to high officials, therefore, DSP Naseerabad, SHO Naseerabad Police Station along with staff, Mujahid No.4 and other force reached on the spot. They proceeded for safe return of petitioner Soomar Chandio meanwhile other 13 accused who were identified as Mir Muhammad, Jabbar, Manthar, Imdad, Liaqat, Sanwan, Anwar, Nasrullah, Amanullah and four unknown accused came running. Out of them, six accused namely Wazir, Subhan, Muhib, Asif Chandio and two unknown accused were apprehended along with Dandas. In the meantime, remaining accused caused butt blows to PC Nisar Ahmed Brohi and PC Mir Hassan Kandhro and after causing them injuries, got released two unknown accused and also taken away official G-3 Rifle of injured PC Nisar Ahmed Brohi. Then all accused ran away from spot. Police recovered the detainee Soomar Chandio from the house of Muneer Chandio, sent the injured for medical treatment and complainant lodged the FIR on behalf of the State.

3. Learned counsel for the applicant has contended that the applicant is innocent and has been falsely implicated in the case by the police due to enmity; that Mst. Afroze, for whom raid was being conducted, had in fact appeared before the High Court of Sindh, Karachi alleging that she has not been detained but police with the help of petitioner Soomar Chandio implicated all the villagers in this case with ulterior motives, that the alleged recovery of Danda has been foisted upon the applicant. He lastly prayed that co-accused Munir Ahmed is also identical in nature and he has also been granted bail after arrest by the learned trial Court while dismissing the bail of present applicant though he is also entitled for the same relief on the rule of consistency.

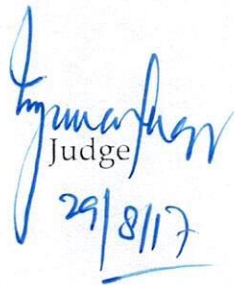


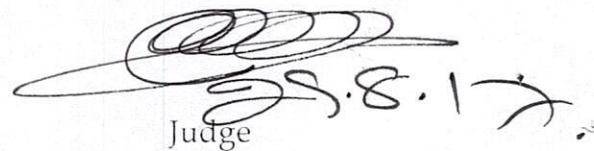
4. Learned APG has opposed the bail application of the applicant on the ground that the applicant is nominated in the FIR and recovery of Gun has been effected from his possession. He has supported the impugned order.

5. We have heard learned counsel for the applicant and learned APG and perused the record. Perusal of the record reveals that no specific role has been attributed against the applicant for abducting or causing any injury to the police party. The allegations levelled against the applicant and other co-accused are general in nature. Nothing is mentioned in the FIR that the applicant has caused injuries to injured PC Nisar Ahmed Brohi etc. As far as recovery from the applicant Sajid Ali is concerned, suffice it to say that the recovery of crime weapon in presence of police mashirs allegedly made on the pointation of the applicant in the police custody was not in his exclusive possession which is open and easy accessible to everyone; taking all these factors in juxtaposition, the case of the applicant prima facie is one of further probe, entitling him to the concession of bail.

6. Accordingly, by short order dated 16.8.2017 applicant Sajid Ali Chandio was admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- and PR bond in the like amount to the satisfaction of trial Court, these are the reasons of the same.

Abid H. Qazi/**


Judge
29/8/17


16.8.17
Judge