

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

Criminal Bail Application No.S-1191 of 2024
Criminal Bail Application No.S-1204 of 2024

Applicants : Amjad Ali alias Kashi through Mr. Bilawal Bajeer, Advocate in Criminal Bail Application No.S-1191 of 2024.
Abdul Sattar through Mr. Muhammad Kaleemullah Memon, Advocate in Criminal Bail Application No.S-1204 of 2024.

Respondent : The State through Ms. Rameshan Oad, Assistant Prosecutor General Sindh along with I.O. SIP Muhammad Khan Kaloi PS Badin.

Complainant : Present in person.

Date of hearing : 21.11.2024.

Date of Order : 21.11.2024.

ORDER.

Amjad Ali Sahito, J:- Since both these bail applications are arising out of one and the same crime, as such, the same are decided together by this common order. Both the applicants namely, Amjad Ali alias Kashi and Abdul Sattar are seeking post arrest bail in crime No.496/2024 registered at PS Badin for the offence under sections 324, 147, 148, 149, 337-F (i) PPC. Earlier, his bail plea was turned down by learned Sessions Judge, Badin vide orders dated 12.10.2024 and 22.10.2024, respectively.

2. The details of the FIR are included in the bail application and its attached copy, so there is no need to restate them here.

3. Complainant present in person states that due to intervention of nekmards he has patched up with one of the accused namely, Abdul Sattar and raises no objection if he is admitted to bail. While he raises objection to the grant of bail in favour of applicant Amjad Ali alias Kashi by stating that he is issuing threats to him.

4. Learned counsel for applicant Amjad Ali alias Kashi contends that the applicant is innocent and has been falsely implicated in the case. He points out that after the investigation, the Investigating Officer (I.O.) released the applicant under Section 169 Cr.P.C. and placed his name in column No. 2 of the final report. He further contends that although the final report has been submitted to the Magistrate, however, still no order has been passed on it. Learned counsel further contends that since the investigation is complete and the applicant is no more required for further investigation, there is no reason to keep him in jail

indefinitely and the case requires further inquiry. He, therefore, prays for grant of bail to the applicant.

5. Learned A.P.G. Sindh has does not raise objection for grant of bail to the applicant Abdul Sattar and confirms that the release of applicant Amjad Ali alias Kashi under section 169 Cr.P.C. by the Investigating Officer of the case and that his name is placed in column No.2.

6. Heard and perused the record.

7. The complainant has stated that due to the intervention of nekmards, he has patched up with the applicant, Abdul Sattar and has no objection to his release on bail. However, the complainant opposes the grant of bail to applicant Amjad Ali alias Kashi, stating that he has been issuing threats. Despite this, applicant Amjad Ali alias Kashi is in jail, as such, the objection cannot be considered at the bail stage. The Investigating Officer (I.O.) has released applicant Amjad Ali alias Kashi under Section 169 Cr.P.C. and placed his name in column No. 2 of the final report, which has been submitted to the learned Magistrate; however, order on it is still awaited. The I.O. further states that there is no sufficient evidence to connect applicant Amjad Ali alias Kashi to the commission of the offense, and the allegations against him are general in nature. At the bail stage, only a provisional assessment of the case is made.

8. In view of the above facts and circumstances, learned counsel for the applicants have succeeded to make out the case for further inquiry as envisaged under subsection 2 of section 497 Cr.P.C. Consequently, instant criminal bail applications are **allowed**. Both the applicants are admitted to post-arrest bail, subject to their furnishing a solvent surety in the sum of Rs.30,000.00 [rupees thirty thousand only] each and PR Bond in the like amount to the satisfaction of learned trial Court.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE