

49

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
Criminal Bail Applications No. S-198, 199 & 200 of 2021

**Applicants in Cri. Bail Appln. No. S-198 of 2021**

- (1). Anwar s/o Muhammad Hassan Solangi and
- (2). Shahzado s/o Wazir Solangi

**Applicants in Cri. Bail Appln. No. S-199 of 2021**

- (1). Gul s/o Latif Solangi
- (2). Hameer s/o Anwar Solangi
- (3). Munawar s/o Muhammad Hassan Solangi

**Applicant in Cri. Bail Appln. No. S-200 of 2021**

Imtaiz s/o. Abdul Rasheed Solangi,

All the applicants through Mr. Sajid Hussain  
Mahesar, advocate

**Respondent in all three Cri. Bail Applications**

The State, through Mr. Aitbar Ali Bullo, D.P.G.

-----  
Dates of hearing: 16.07.2021  
Date of order: 16.07.2021  
-----

**ORDER**

**ZAFAR AHMED RAJPUT, J:-** By this common order, I intend to dispose of above listed three bail applications as the same have arisen out of same Crime i.e. F.I.R. No. 49 of 2021, registered at P.S Mehar, Dist. Dadu, under sections 324, 337-H(ii), 337-F(iii), 337-F(v), 337-F(vi), 337-L(ii), 148, 149, 504 & 114, P.P.C.

2. Through listed criminal bail applications, applicants/accused named above seek post-arrest bail in aforementioned crime. Their earlier applications for grant of bail were heard and dismissed by the learned 1<sup>st</sup> Additional Sessions Judge, Mehar, vide orders dated 23.04.2021, 28.04.2021 & 23.04.2021, respectively.



3. Briefly stated facts of the prosecution case are that, on 23.02.2021 at 07:00 p.m., complainant Shahzor s/o Shahmor Solangi lodged the aforementioned F.I.R., alleging therein that on 22.02.2021 his uncle Lal Bux, nephew Zubair and cousin Gul Muhammad were sitting in their auto shop, situated at Betto Jatoti Road when at 02:00 p.m. (1) Gul (2) Hameer, both armed with DBBL (3) Shahzado armed with pistol (4) Imtaiz armed with DBBL (5) Munawar, armed with repeater and (6) Anwar armed with came there. Accused Anwar abused to Lal Bux by asking as to why they were not withdrawing from the cases and then he instigated other accused persons to kill him. On that, accused Gul, Imtaiz, Hameer and Munawar made direct fire from their weapon on Lal Bux with intention to kill him, which hit on his right side of chest near to nipple, his left and right hands and on his face and he fell down; thereafter accused went away making aerial firing.


4. I have heard the learned counsel for the applicants/accused as well as D.P.G. and perused the material available on record with their assistance.

5. It appears from the tentative assessment of the record available with the prosecution that there is delay of seventeen hours in lodging of F.I.R., for that explanation furnished by the complainant is that he had taken the injured to Larkana for medical treatment and then he lodged the F.I.R.; however, MLC issued by the MLO, Taluka Hospital Mehar does not suggest if the injured was referred to Larkana Hospital; therefore, consultation and deliberation for the false implication of applicants cannot be ruled out. Only one/one fire has been attributed to each of four applicants/accused, namely, Gul, Imtaiz, Hameer and Munawar, and the injuries have been declared by the MLO as "lacerated wound<sup>s</sup> describing as *Ghayr-jaiyah Mutalahimah, Ghayr-jaiyah Hashimah and Ghayr-jaiyah Munaqullah*, which are punishable under sections 337-F(iii), 337-F(v) and 337-F (vi), P.P.C. for imprisonment the most up to seven years as *ta'zir*, which does not

fall within the prohibitory clause of section 497, Cr. P.C. No rule has been attributed to applicant/accused Shahzado, while applicant/accused Anwar has been assigned the rule of instigator, Had it been intention of applicants/accused to kill the said injured then there would have been shooting at vital parts of his body, which was not done; thus, it is yet to be seen if the applicants/accused had any intention to kill the injured, as such, application of section 324 P.P.C. could only be determined at trial. So far the case of applicants/accused Shahzado and Anwar is concerned, when no vital role has been attributed to them apart from that they had accompanied the co-accused at the time of occurrence, or instigated the other co-accused, the vicarious liability calls for further probe. Hence, the case of the applicants/accused squarely falls within the ambit of further enquiry as envisaged under sub-section (2) of Section 497 Cr. P.C. Accordingly, they are admitted to bail subject to their furnishing solvent surety in the sum of Rs.50,000/- each and P.R. Bond in the like amount to the satisfaction of the Additional registrar of this Court.

6. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicants/accused on merit. In case the applicants/accused in any manner try to misuse the concession of bail, it would be open for the trial Court to cancel their bail after issuing them the requisite notice.

7. Above are the reasons of my short order dated 16.07.2021.

  
26/07/2021  
JUDGE