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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 352 of 2015.

Date of hearing	Order with signature of Judge
15.9.2015.	

FOR HEARING.

Mr. Abdul Rehman A. Bhutto, Advocate for applicant.
Mr. Nisar Ahmed G. Abro, Advocate for complainant.
Shahzado Saleem, A.P.G.

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Through instant bail application, applicant Imdad Ali Khokhar seeks post arrest bail in Crime No.67/2012, registered with P.S Naudero, under Sections 302, 148, 149, 114 P.P.C.

Precisely prosecution case is that complainant party was on the way towards their village; meanwhile applicant alongwith co-accused armed with deadly weapons intercepted them. On instigation of Abdul Qadir all the accused persons including applicant caused straight firing upon Gul Khan, who received injuries and subsequently lost his life.

Learned counsel for the applicant, *inter-alia*, contended that applicant has been implicated in this case due to old blood feud between the parties over agricultural land; four accused have been let off by the police during investigation including present applicant and out of them two accused Ali Nawaz and Zulfiqar Ali have submitted surety before the trial Court and are on bail.


In contra, learned A.P.G. while opposing instant bail application contended that deceased Gul Khan received 17 injuries on different parts of his body; ipsi dixit of police is not binding upon the Court.

It is settled principle of law that while deciding the bail application the Court is required to make tentative assessment of the

material and deeper appreciation is not permissible under the law. It is patent that name of the applicant transpires in the F.I.R with specific role that he caused direct fire shot injury to deceased Gul Khan; ocular account is in conformity with medical version. Worth to add here that ipsi dixit of police is not binding upon the Court and not necessarily to be considered at bail stage. However, such aspect can be looked into alongwith other material available on record. Prima-facie applicant is involved in a case of capital punishment; hence he has failed to make out a case of further inquiry.

With regard to criminal miscellaneous application filed by co-accused Ali Nawaz and Zulfiqar Ali, suffice to say that NBWs issued against them were quashed and they were directed to appear before the trial Court, nowhere it was mentioned that they were granted bail, hence that order is not helpful to the applicants.

Accordingly, instant bail application stands dismissed.

  
Judge 15/9/2015