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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
1st Cr. Bail Appln. No. S- 551 of 2015.

Date Order with signature of Hon'ble Judge

For hearing.

07.11.2016.

Mr. Habibullah G. Ghouri, advocate for the applicant.

Mr. Sarfraz Ali Abbasi, advocate for the complainant.

Mr. Sardar Ali Shah, A.P.G.

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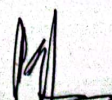
Muhammad Iqbal Kalhoro-J.:- By means of this application, applicant Shahmeer Mastoi is seeking post arrest bail in Crime No.35/2014 U/S 302, 148 & 149 PPC registered at Police Station Sijawal.

The allegations against the applicant are that on the date of incident 25.5.2014 at about 08.30 a.m on the link road coming from village Paryal Siyal to Shahdadkot near bridge of Dhing Regulator, he alongwith 11 other nominated accused waylaid complainant party consisting of complainant, his brothers Mashooque and Wazir Ali, and nephew Abdul Karim. Soon thereafter the applicant alongwith four nominated accused caused firearm injuries to the deceased Haji Mashooque from their respective pistols as a result of which he died at the spot. Instant F.I.R to that effect was registered. Consequently, the applicant was granted pre arrest bail by the trial Court, however, on 13.5.2015 the same was dismissed and the applicant was taken into custody.

Learned counsel for the applicant has argued that the applicant is innocent and he has been falsely implicated in this case; that no specific injury has been attributed to him and it is yet to be determined as to which accused caused fatal injury to the deceased; that the applicant is behind bars since 13.5.2015 and the case, in view of above facts calls for further inquiry. In support of his contentions, learned counsel has relied upon the case laws reported in 1980 SCMR 784 as well as an unreported authority of Cr. Bail Appln. No.S-430 of 2011 of this Court.

On the other hand, learned counsel for the applicant and learned A.P.G have opposed grant of bail to the applicant on the ground that he has been specifically nominated in the F.I.R with the direct role of causing firearm injuries to the deceased. They have relied upon the case laws reported in 1997 P.Cr.L.J 1393, 1997 P.Cr.L.J 2085 and PLD 1994 S.C 65.

I have considered the arguments of learned counsel for the parties, perused the material brought on record including the case laws cited at the bar. Applicant has been nominated in the promptly registered F.I.R with specific role of causing firearm injuries to the deceased which has been supported by the medical



evidence which shows that deceased sustained as many as five firearm injuries. The question that as to which accused caused fatal injury can not be decided at the bail stage as it requires deep appreciation of evidence which is not permissible. No ground is made out for granting bail to the applicant. This application is consequently dismissed. The trial Court, however, is directed to expedite the trial and conclude it within six months.

The bail application is disposed of in above terms. The findings recorded are tentative in nature and would not prejudice either party in the trial.


JUDGE 7-11-2016

shabir

For Further Orders

Letter No. ART-1/269 of 2017 signed by
dt. 8/5/2017 as flag "A"