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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
1ST CrI. Bail Appln. No.S-361 of 2016

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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28.11.2016.

1. For orders on office objections.
2. For hearing.

Mr. Gulshan R. Dayo, advocate for applicant, alongwith applicant.

Mr. Khadim Hussain Khooharo, DPG.

Mr. Amanullah Luhur, advocate for complainant, alongwith complainant.

Having been rejected his earlier bail application bearing No.785/2016 by the learned Sessions Judge, Larkana vide order dated 28.7.2016, the applicant Ghulam Mustafa Rind seeks pre-arrest bail in Crime No.26/2016, registered at Police Station Dhamrah, District Larkana, under Sections 324, 337-H(2), 148, 149, 114, 504, PPC. The applicant was admitted to ad-interim pre-arrest bail by this Court vide order dated 03.8.2016.

The allegation against the applicant/accused is that he alongwith six co-accused persons, duly armed with deadly weapons, caused firearm injuries to Illahi Bux and Liaquat Ali on 03.7.2016 over the matrimonial affairs.

Learned advocate for the applicant/accused submits that the applicant/accused is innocent and has falsely been implicated in this case. He further submits that there is general allegation against the applicant/accused, as otherwise no specific role has been assigned to him in the F.I.R. and who has caused injuries to the injured is yet to be determined by the trial Court after full-^{fledged} enquiry. Learned Counsel submits that there is a variation in ocular and medical evidence, as ^{or} the MLO in the medical certificate has opined that there is a possibility of self-suffered injuries caused to Illahi Bux. Learned

Rind

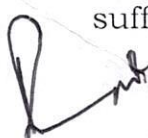
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Counsel has placed on record copy of order dated 24.9.2016 passed by the learned Sessions Judge, Larkana in CrI. Bail Application No.1107/2016 and submits that co-accused, namely, Akbar alias Ali Akbar has already been admitted to bail by the learned trial Court. Lastly, learned Counsel submits that the alleged offence under Section 337-H(2), PPC does not fall within the prohibitory clause of Section 497, Cr.P.C, hence he requests for confirmation of ad-interim pre-arrest bail to the applicant/accused.

The learned Counsel for the complainant, however, vehemently opposed this bail application and submits that the applicant is nominated in the F.I.R. He further submits that the applicant alongwith six other accused persons had fired upon the injured, who sustained injuries.

Learned DPG, however, records his no objection for confirmation of bail and submits that co-accused Akbar alias Ali Akbar has already been admitted on bail by the learned trial Court considering the fact that there is a variation in the ocular and medical account.

There is no denial to the fact that the allegation against the present applicant/accused is general in nature and on the same set of facts co-accused Akbar alias Ali Akbar has already been admitted to bail by the learned trial Court. As per observation of the learned trial Court, there is a variation in between ocular evidence and the medical evidence, as the MLO in his certificate has given opinion, wherein possibility of injuries being self-suffered has been shown. The learned DPG has already recorded his no objection considering the case that it does not fall within prohibitory clause of Section 497, Cr.P.C. Even otherwise, if it is opinion of the MLO that the injuries may be self-suffered, it is a fit case for further enquiry. Hence, the ad-interim pre-



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arrest bail already granted to the applicant/accused vide order dated
03.8.2016 is hereby confirmed on same terms and conditions.

Bail application stands disposed of.


JUDGE

App' in D/O case

- 1- For order on M.A No. 316/22 (U.A)
- 2- For order on M.A No. 317/22 (Sb.A)

Accountant report as flag "B"