

ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Crl. Bail Appln. No. S- 365 of 2016.

Date of hearing	Order with signature of Judge
21.11.2016.	

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

Mr. Naushad Ali Tagar, Advocate for applicants.  
Mr. Gada Hussain Abro, DDPP.

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Applicants/ accused Muhammad Malook and Nadir are seeking post-arrest bail in Crime No.107/2015, registered with P. S Saddar, Jacobabad, for offences punishable under Sections 302, 147, 149 P.P.C.

Complainant Muhammad Anwar registered the above F.I.R on 04.11.2015 at about 1415 hours to the effect that present applicants alongwith other co-accused had taken his son namely, Shah Nawaz with them to "Bypass" on 31.10.2015 at about 5.00 p.m. Thereafter, his son did not return. On 02.11.2015 co-accused Gulab came to the complainant and admitted committing murder of his son on 31.10.2015. On such disclosure the F.I.R was registered and applicants were arrested on 12.11.2015.

Case of the applicants for bail is that no role has been attributed against them in the F.I.R and the only material shown against them is last seen evidence, which is the weak type of evidence and their case requires further enquiry.


Record reflects that complainant was served with notice and on 09.9.2016 he appeared and stated that on his behalf Government pleader would proceed with his case. Today he has chosen to remain absent.

Learned DDPP while opposing bail to the applicants has stated that applicants are nominated in the F.I.R and subsequently the prosecution witnesses in their 161 and 164 Cr.P.C statements have implicated them.



I have considered the submissions and perused the material available on record. Although, the applicants are nominated in the F.I.R. but no role is attributed against them. The incident is un-seen and only on the basis of extra judicial confession of co-accused Gulab, all the accused including the applicants have been implicated in this case. The actual incident has yet to be unraveled and therefore, any role played by the applicants is yet to be determined in the trial. Their case in view of above discussion calls for further inquiry. Resultantly, the applicants are admitted to bail subject to their furnishing a solvent surety in the sum of Rs.200,000/- (Two hundred thousand rupees) each and P.R bonds in the like amount to the satisfaction of trial Court.

  
JUDGE 21-11-2016

Ansari/\*