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ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Crl. B.A No. S- 558 of 2012

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection flag 'A'
2. For Hearing.


31.7.2013

Mr. Ali Nawaz Ghanghro, advocate for applicants.
Miss Shazia Surahio, State counsel.

Through instant application, applicants Muhammad Hassan and Saddam Hussain seek post arrest bail in crime No.55/2012 registered at Police Station Thul under sections 336, 337-A(i), (ii), F(i), 504, 506/2, 148, 149, PPC.

2. Precisely, the relevant facts are that prior to this incident accused Fida Hussain and others had kidnapped Mst. Shahida, the sister of the complainant, such case was registered at Police station, Thul. On the day of incident, complainant along with his brother Khalid Hussain, father Muhammad Mithal and uncle Hakim Ali were returning back from Thul town after completing the work. At 6.30 p.m., they reached at Link road near village Warisdino, seven accused persons emerged there, they were identified to be 1.Muhammad Hassan, armed with gun, 2.Fida Hussain, 3.Saddam Hussain, 4.Shah Muhammad, 5.Arzz Muhammad, 6.Baqa Muhammad, all sons of Karamullah, by caste Noonari, all five armed with lathies, and one unidentified accused. Accused Fida Hussain caused a lahti blow to P.W Khalid Hussain, which hit him at his nose; accused Sadam Hussain caused lathi blow, which hit to Khalid Hussain at his ear and he fell down. Remaining accused caused lathi blows to complainant party. The unidentified accused, who was carrying gun, aimed his weapon. On hue and cry the persons of the locality attracted there thereby accused succeeded to run away. Complainant found that injured persons had received injuries, thereafter complainant brought the injured persons to the police station and F.I.R of the above incident lodged.

3. Learned counsel for the applicants, inter alia, contends that applicants are behind bar since one year; case is pending for adjudication of their guilt. Admittedly, motive with regard to alleged dispute is matrimonial affair; co-accused have been granted bail by



this Court vide order dated 14.12.2012, therefore, applicants are also entitled for rule of consistency.

4. On the other hand learned State counsel concedes for grant of bail.
5. Heard counsel and perused the record.
6. After scanning of available record it is surface the enmity between complainant and accused party is admitted fact. Co-accused Arz Muhammad and Baqa Muhammad have been granted bail by this Court vide order dated 14.12.2012 wherein it is contended that *no useful purpose will be served by detaining the applicants/accused in the jail for an indefinite period*. It is settled principle of law that bail cannot be withheld as conviction and in present circumstances of the case, requires for further probe. Besides, applicants are in jail since more than one year and yet trial is not concluded.
7. Keeping in view the given circumstances, the applicants succeeded to bring their case within the purview of subsection (2) of Section 497, Cr.P.C. Thus they are hereby admitted to post arrest bail subject to furnishing surety in the sum of Rs.100,000/- each with P.R bond in the like amount to the satisfaction of the trial Court.
8. While parting, learned trial Court is directed to conclude the trial within three months and submit such report through Additional Registrar of this Court.
9. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.


Judge