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ORDER SHEET.
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cr. Bail Appln. No. S- 367 of 2013.

Date	Order with signature of hon'ble Judge.
	1.For orders on office objections as flag A. 2.For Hearing.

01.09.2015.

Mr. Ali Nawaz Ghanghro, counsel alongwith the applicant.

Mr. Shahzado Saleem, A.P.G

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Through instant application, the applicant seeks pre arrest bail in crime No.14 of 2013 of P.S Ketty Mumtaz registered U/Ss 302, 506/2, 337-H(2), 148, 149 and 109 PPC.

2. Precisely the relevant facts are that applicant is involved in a murder case with specific allegation that he and his accomplice Azizullah caused direct fire shots injuries to deceased Oshaq Ali thereby Oshaq Ali received two fatal injuries and succumbed the same.

3. Learned counsel for the applicant has mainly relied upon plea of alibi by appending medical certificate issued by medical officer which shows that applicant was examined by medical officer as he was patient of diabetic hence his presence at the spot is doubtful; applicant has been implicated due to political rivalry; co-accused except Azizullah has been granted bail by this Court. Such plea of alibi was confirmed by investigating officer while recording statement of doctor and other relevant witnesses.

4. In contra, learned A.P.G contends that ocular account is corroborated by medical version. He further contends that powers of this Court U/S 498 Cr.P.C are very exceptional and it is prime duty of

the applicant to prove malafide on the part of prosecution latently or patently.

5. Perusal of record reflects that there is allegation that applicant alongwith co-accused Azizullah armed with K.K caused direct fire upon Oshaq who received two injuries on vital parts and resultantly he lost his life. Prima facie applicant is involved in the case of capital sentence; ocular account is in conformity with medical version. With regard to plea of alibi, it is settled principle of law that at bail stage same can not be considered. It is note worthy to here that while deciding bail application Court is required to make tentative assessment particularly in case of pre arrest bail application scope of bail is very limited. It is to be seen whether applicant/accused is involved due to ulterior motives but here situation is reflecting different scenario.

6. Accordingly, applicant has failed to make out his case. Consequently, interim bail grant by this Court through order dated 03.09.2013 is hereby recalled. Bail application is dismissed.


JUDGE