

ORDER SHEET.
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cr. Bail Appln. No. S- 272 of 2015.

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

2. For Hearing.

01.09.2015.

Mr. Habibullah G. Ghouri, counsel for the applicants.

Mr. Shahzad Saleem, A.P.G.

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Through instant application, the applicants seek post arrest bail in crime No.28 of 2013 of P.S Garhi Khairo registered U/Ss 302, 337-A(2), 337-F(ii), 148 and 149 PPC.

2. Precisely relevant facts are that due to dispute over title of plot accused Laique armed with knife along with co-accused persons, who were armed with lathies caused criminal assault; accused Laique caused stab wounds to Umed Ali; other accused persons caused lathies injuries to witnesses.

3. Learned counsel for the applicants inter alia contends that main allegation is against accused Laique who allegedly caused injury to Umed Ali whereas allegation against applicants is that they caused lathi blows and such injuries attributed to the applicants are not fatal; applicants are in jail since 10.11.2013; case is pending for adjudication of trial; enmity over plot is admitted fact; co-accused Abdul Karim alias Khalique Dad and Tagial were placed in column-II by the police in the report U/S 173 Cr.P.C.

4. On the other hand, learned A.P.G opposed this bail application on the plea that applicants facilitated the main accused however, he contends that medical certificates of injured Ghulam



Yasin and Mir Khan also reflects stab wounds whereas there is allegation that they received injuries by the lathies.

5. Perusal of record reflects that only allegations of causing lathi blows to witnesses are attributed to the applicants; main allegation of causing murder is against accused Laique who is in jail. It is well settled principle of law that bail can not be withheld as punishment. Admittedly case is pending for adjudication before competent trial Court. Applicants are in jail since 10.11.2013. Further it is surfaced that ocular account is ^{not} in conformity with medical version, FIR says that applicants caused lathi blows whereas medical certificates reflect that injured witnesses received stab wounds. Accordingly, instant case requires further probe thus the applicants have succeeded to make their case within the meaning of subsection 2 of section 497 Cr.P.C.

6. In view of above, the applicants are admitted to post arrest bail on subject to furnishing solvent surety in the sum of Rs.200,000/= each and PR bond in the like amount to the satisfaction of trial Court.


JUDGE