

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Appln. No.S-1347 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections.
2. For hearing of main case.

Applicant : Balach Khan son of Muhammad Yousif
Rodnani, through Mr. Nisar Ahmed S.
Chandio, Advocate.

The State : Through Ms. Rameshan Oad,
Assistant P.G.

Date of hearing : 07.02.2025.

Date of Order : 07.02.2025.

ORDER

ABDUL HAMID BHURGRI, J:- The applicant, having been unsuccessful in securing bail from the Trial Court in Crime No. 223 of 2024, registered at P.S A-Section, Nawabshah, under Sections 302, 324, 506/2, 34 PPC, now petitions this Court for his release on bail.

2. The accusation against the applicant is that he allegedly provided refuge within his residence to co-accused Khalid Hussain, who is purported to have indiscriminately fired upon Wahid Bux, Mst. Hamida, and Mst. Rasheeda, resulting in their demise. The FIR attributes the incident to a domestic and matrimonial conflict.

3. The learned counsel for the applicant contends that his client is entirely innocent and has been entangled in this case maliciously by the complainant. It is emphasized that the allegations against the applicant remain vague, centering merely on his alleged act of sheltering co-accused Khalid Hussain, who is the primary perpetrator of the offense. The applicant's name was conspicuously absent from the FIR but was later implicated through a supplementary statement made by the complainant. Furthermore, co-accused Doda Khan, whose involvement is identical to that of the applicant, has already been

granted bail by this Court. In light of the principle of parity, the applicant asserts his entitlement to the same relief, arguing that his continued incarceration serves no investigative necessity.

4. The learned Additional Prosecutor General (APG), appearing on behalf of the State, submits that although the applicant's name does not feature in the original FIR, he was later implicated following an additional statement by the complainant. However, the APG does not object to bail, acknowledging that a co-accused with an analogous role has already been granted the same relief.

5. Despite the issuance of notice, the complainant has failed to appear.

6. Having heard the learned counsel for the applicant and the learned APG, and after thoroughly scrutinizing the record, the Court arrives at the following determination.

7. It is an admitted fact that Khalid Hussain, the principal accused, directly opened fire on three individuals, culminating in their fatal injuries. The FIR delineates the incident as an offshoot of a familial and matrimonial dispute. Significantly, the applicant's name was not originally recorded in the FIR but surfaced subsequently through an additional statement by the complainant. Such statements, made under Section 161 Cr.P.C, inherently warrant further judicial scrutiny, as envisaged under sub-Section (2) of Section 497 Cr.P.C. The applicant's case is indistinguishable from that of co-accused Doda Khan, who was granted bail by this Court on 29.11.2024 in Criminal Bail Application No.S-1169 of 2024. Consequently, the applicant, by the rule of consistency, is equally entitled to bail. The applicant has been behind bars since his arrest, and with the investigation having concluded, his continued detention serves no tangible purpose. Given the indeterminate timeframe for the trial's completion, prolonging the applicant's incarceration would be unjustified.

8. In light of the foregoing discourse, the instant Criminal Bail Application is granted, and the applicant is admitted to post-arrest bail, contingent upon his furnishing solvent surety in the sum of Rs. 100,000/- (Rupees One Hundred Thousand) along with a P.R. Bond of an equivalent amount, to the satisfaction of the learned trial court. These are the reasons underpinning my short order of even date, whereby the applicant was granted bail.

9. It is explicitly stated that the observations recorded herein are provisional in nature and shall not prejudice either party during the trial.

Accordingly, the bail application stands disposed of.

JUDGE

Shahid