

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

*Crl. Bail Application No.S-704 OF 2024*

Date of hearing	Order with signature of Judge
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- 1. For orders on O/objection at flag-A.*
- 2. For hearing of bail application.*

**Date of hearing.**                    **03.03.2025**  
**Date of order.**                    **03.03.2025**

Mr. Muhammad Tarique Panhwar, advocate for the applicant  
Mr. Rafique Ahmed Kalhoro, advocate for complainant  
Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General for the  
State.

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**ORDER**

*Ali Haider 'Ada', J.*                    Through this bail application, the applicant/accused Guloo alias Gul Muhammad, seeks pre-arrest bail in Crime No.204 of 2024, registered under section 302, 148, 149 PPC at Police Station 'B' Section, Khairpur as lodged by the complainant on 09.06.2024 while date is mentioned in the FIR is 08.06.2024.

2.        The earlier bail plea of the applicant was declined by the learned Additional Sessions Judge-III, Khairpur vide order dated 28.08.2024 in Criminal Bail Application No.2382 of 2024.

3.        The facts of the prosecution case as per FIR are that the applicant alongwith others is assembled for aerial firing while rest of accused who by nominated committed offence u/s 302 as they were involved for the commission of murder of deceased Ahsan Ali.

4.        Learned counsel for the applicant submits that the applicant as allegedly has role of aerial firing and even such role for commission of murder

in specific manner has not been prescribed in FIR. There is a delay in registration of FIR which was not explained and further submits that the offence u/s 148, 149 PPC regarding the unlawful assembly is to be determined at the time of the trial.

5. Learned Deputy Prosecutor General for the State submits that so far the offence falls under prohibitory clause therefore, the applicant is involved in unlawful assembly thus he is not entitled for concession of bail.

6. Mr. Rafique Ali Kalhoro, counsel for the complainant states that due to unlawful assembly the murder was committed and the accused/present applicant is guilty of offence punishable u/s 302, 148, 149 PPC.

7. I have heard the learned counsel for the applicant/accused, the learned APG for the State, as well as the learned counsel for the complainant, and have carefully examined the material available on record.

8. As per bare reading of the FIR, the accused/applicant has been assigned role of aerial firing and even though such aerial firing is general in nature. The enmity of the land is also transpires in the FIR, therefore, the contention of learned counsel for the applicant on the basis of false involvement of the applicant cannot be ruled.

In view of the above discussion, the applicant/accused has successfully made out a case for the confirmation of bail. Accordingly, the instant bail application is allowed, and as a result, the interim pre-arrest bail already granted to the applicant/accused dated 07.10.2024 is confirmed on the same terms and conditions.

9. Needless to state, the observations made herein are tentative in nature and shall not prejudice or influence the learned trial court in any manner while adjudicating the case of the applicant/accused on its own merits.

***J U D G E***

*Ihsan/\**