

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-77 OF 2025

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. **10.03.2025**
Date of order. **10.03.2025**

Syed Amir Ali Shah, advocate for the applicant
Syed Sardar Ali Shah, Addl. Prosecutor General for the State.

ORDER

Ali Haider 'Ada', J. Through this bail application, the applicant/accused Imtiaz Ali Maitlo, seeks pre-arrest bail in Crime No.69 of 2024, registered under section 302 PPC at Police Station, Ahmedpur district Khairpur as lodged by the complainant on 19.10.2024 as date of incident is mentioned in the FIR is 15.10.2024.

2. The earlier bail plea of the applicant was declined by the learned Additional Sessions Judge-I/MCTC, Khairpur vide order dated 21.01.2025 in Criminal Bail Application No.3855 of 2024.

3. According to FIR the complainant alleged that on the day of incident he alongwith his other relatives heard cries of deceased, in which they saw that applicant alongwith accused Maqsood Ahmed and Mst. Zaira as well as two unknown persons beaten to his sister Mst. Saima and accused Maqsood Ahmed who is husband of Mst. Saima strangulated to his sister while the present applicant took out pistol from his fold and pointed out the same upon

them and later on she died. Such information was given to the police and after completing funeral right complainant lodged FIR at Police Station.

4. Learned counsel for the applicant submits that there is delay in registration of FIR while as per FIR it is mentioned that promptly informed the police and even police kept one entry in roznamcha bearing No.10 dated 15.10.2024, as such enmity did not disclose in commission of offence at the hands of applicant. Further submits applicant is not a principal accused for commission of alleged incident and role is similar with Mst. Zaira Khatoon and pointed pistol upon complainant party and even the learned trial Court granted pre-arrest bail to co-accused Mst. Zaira Khatoon vide order dated 21.01.2025 as the prosecution/complainant did not file cancellation of bail as per instructions. In support of his contentions he places reliance upon the case of Nooruddin and another v. The State (2005 MLD 1267).

5. On the other hand, learned Additional Prosecutor General for the State does not contra such submissions and pointed that active role has not been assigned by the present applicant and even pre-arrest granted to co-accused, the applicant is involved only he pointed pistol upon complainant party in order to facilitate others nothing else.

6. I have heard the learned counsel for the applicant/accused, the learned Additional Prosecutor General for the State and have carefully examined the material available on record.

7. Record reflects that post-mortem report is silent about any mark of violence on other parts of body. Further, there is delay in registration of the FIR while the entry No.10 contemplates that complainant party on the day of incident approached at the police and disclosed the facts but did not record

FIR on prompt day. The role of the present applicant is also similar in nature with co-accused Mst. Zaira Khatoon whom learned trial Court has granted pre-arrest. As against applicant only on the pointation of pistol the role is added and yet to be determined at trial after leading evidence, if the prosecution led on such aspect. The applicant was also let-off by the police during investigation as the final challan.

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 vide order dated 30.01.2025 is hereby confirmed on same terms and conditions.

8. 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

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