

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

1st. Cr. Bail Appln. No. S- 427 of 2016.

Date Order with signature of Judge.

1. For orders on office objection as flag A.
2. For hearing.
31.10.2016.

Mr. Mir Mumtaz Ali Bughio, advocate for the applicants.
Mr. Sardar Ali Shah, A.P.G.

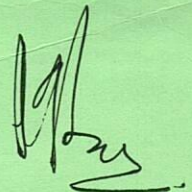
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Mohammad Iqbal Kalhoro-J.:- By means of this application, applicants namely Rahib Ali and Umed Ali Raja are seeking post arrest bail in Crime No.29 of 2016 U/S 302, 504, 337-H(2), 34 PPC registered at Police Station K.N. Shah.

Learned counsel for the applicants has argued that the applicants are close relatives of the complainant; that applicant No.2 namely Umed Ali is his uncle and applicant No.1 Rahib Ali is his cousin as well as brother in law but in the F.I.R their names are not mentioned, although it was registered after two days of the incident; that subsequently in 161 Cr.P.C statements of the P.Ws recorded on 02.3.2016, after three days of the incident, the applicants are attributed to have made aerial firing at the complainant party at the time of incident and on the basis of such statements, they were arrayed in the case as accused and were arrested on 08.3.2016. He has further stated that even the said allegations are not borne out of the record as the memo of place of incident does not show recovery of any empty allegedly fired by the applicants.

Learned A.P.G in view of above facts and circumstances, has recorded his no objection.

Although complainant was present on the last date of hearing but today he has chosen to remain absent.

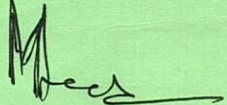


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The case against the applicants appears to be of further inquiry in view of the facts and grounds submitted by the learned counsel for the applicants. Their names do not appear in the F.I.R and the role attributed against them by P.Ws is not materialized from the record.

Resultantly, the applicants are granted bail subject to furnishing of solvent surety in the sum of Rs.200,000/= each and P.R bond in the like amount to the satisfaction of trial Court.

The findings recorded above are tentative in nature and would not prejudice either party in the trial.


JUDGE 31-10-2016