

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

**Cr. Misc. Appl. No. D- 110 of 2015**

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**DATE**

**ORDER WITH SIGNATURE OF JUDGE**

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26.01.2016

1. For Orders on Office Objection
2. For Katcha Peshi

Mr. Bhagwandas Bheel, Advocate for applicant  
Mr. Nisar Ahmed Chandio, Advocate for Respondent No.1.  
Mr. Shahzado Saleem Nahiyoon, A.P.G.

Applicant / Complainant has filed this application for cancellation of bail granted to the respondent No.1 by the learned Judge, ATC Naushahro Feroze in S.C. No. 85 of 2014 arising out of Crime No. 89 of 2014 PS Rukkan under Section 302, 384, 148, 149, 109 PPC and 6/7 ATA.

The grounds in support of this application advanced by the counsel for the applicant are that the respondent No.1 is nominated in the FIR and he had demanded `*bhatta`* from deceased two days before the incident.

Learned counsel for respondent No.1 has contended that respondent No.1 was not present at the spot and in order to make the case triable by ATC Court the allegations of demanding `*bhatta`* have been levelled against the respondent.

Learned APG has supported the counsel for applicant and states that it was accused Ghulam Mustafa, the respondent at whose instance present crime was committed.

We have seen the impugned order as well as the other material available on record.

Admittedly as per FIR respondent No.1 at the time of incident was not present at the spot. It is alleged in the FIR that two days prior to the incident the respondent had demanded `bhatta` from the deceased. However, prima facie there is no evidence that any action was taken by the deceased or complainant against him for demanding `bhatta` nor it transpires that said incident was reported to police. It is only after the incident took place, the complainant nominated him in the FIR with these allegations

In view of the fact that prima facie there is nothing on record to lend credence to allegations vis-a-vis demanding `bhatta` from the deceased by the respondent and he was not present at the spot. We do not see any cogent reason to disagree with the conclusion arrived at by the trial court. No case for cancellation of bail is made out.

The application is dismissed accordingly.

JUDGE

JUDGE

\*Karar/-