

**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-273 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of main case.

17.04.2023.

Mr. Muhammad Ayoob Laghari advocate for the applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Applicant is present on ad-interim pre-arrest bail.

O R D E R

MUHAMMAD IQBAL KALHORO, J:- As per FIR on 04.02.2023 at 2345 hours complainant party was present in some ceremony of applicant when applicant along with co-accused came over there. No sooner did they come than they started abusing nephew of complainant namely Shahid Pathan over a dispute concerning upgradation of Shahid as Supervisor by the management of Boulevard Mall. After abusing Shahid, co-accused Umair took out a pistol from his fold and fired at Shahid hitting his head. He fell down and was referred for medical treatment to the hospital. It is stated that still he is in coma and has not gained consciousness.

Learned counsel for the applicant submits that already co-accused Amir Hassan who has been assigned identical role of mere presence at the spot has been granted bail by this Court vide order dated 31.03.2023 in Criminal Bail Application No.S-175 of 2023. As such rule of consistency is applicable in the case of present applicant and he is entitled to the same relief. He has submitted a copy of the aforesaid order. Learned APG after going through the said order has given no objection on the ground of rule of consistency as co-accused Amir Hassan has already been granted bail by this Court as stated above. As role of the applicant is of mere presence at the spot and inviting the victim party in the ceremony, where co-accused Umair is stated to have caused a firearm injury to victim Shahid. In the circumstances, applicability of Section 324 PPC in respect of the role assigned to the applicant requires further inquiry, and further rule of consistency is also applicable in the case of the applicant on account

of bail to similarly placed accused. Accordingly, the bail application is allowed and ad-interim pre-arrest bail granted to him vide order dated 29.03.2023 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

Irfan Ali