

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Before:

Mr. Justice Omar Sial

Mr. Justice Khalid Hussain Shahani

1st Criminal Bail No.D-63 of 2024

Meer Hassan Nindwani

V/S

The State

Applicant: Meer Hassan son of Ruho Nindwani
Through Mr. Muhammad Afzal Jagirani,
Advocate.

Complainant: Ali Madad Jaffri
Through Mr. Saeed Ahmed B. Bijarani,
Advocate

State: Through Mr. Aitbar Ali Bullo, Deputy
Prosecutor General, Sindh.

Date of Hearing: 04.03.2025

Date of Decision: 18.03.2025

ORDER

Omar Sial, J.- Meer Hasan Nindwani has sought post-arrest bail in Crime No. 82/2024, registered under sections 385, 386, 302, 324, 337-H(ii), 148 and 149 P.P.C, read with sections 6 and 7 of the Anti-Terrorism Act, 1997, at the Karampor police station.

2. The F.I.R. was lodged by Ali Madad Jaffri on 13.07.2024. He recorded that Nasrullah Kokri Nindwani and others were criminals and demanded bhatta from him. On 12.07.2024, Ali Madad Jaffri, his five cousins, and a nephew were working on their land. Nasrullah, along with 23 other people (20 were identified, whereas the remaining 3 were unknown), all armed with weapons, came to the land and said that as Jaffri was not paying them bhatta, they would kill him. Accused(s) Nasrullah and Sadam shot at cousin Hafiz Anwar Ali and hit him on his legs. Accused Muhammad fired a Kalashnikov upon Taj Muhammad, which also hit him on his leg. Accused Basharullah shot at Bashir Ahmed with his Kalashnikov, which struck him on the backside of his waist. Accused Sabir Ali shot at Mansab Ali on his left arm

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with a Kalashnikov. Accused Bhelo shot at Nasir Ahmed with his Kalashnikov on his neck. Accused Sulaiman shot at Turban Ali on his leg with a Kalashnikov. Hafiz Ali and Taj Muhammad died and others sustained injuries.


3. I have heard the learned counsel for the accused, the learned Addl. P.G., and the learned counsel for the complainant. My comments and observations are as follows.

4. The applicant was not nominated in the F.I.R. He is said to be one of the unidentified men. No description of the three unidentified persons was given. No identification parade was held after his arrest. No recovery has been affected from him. Whether he was present and whether he shared a common intention with those who killed and shot at the complainant party will have to be determined at trial. He was brought into this case based on a 161 Cr.PC statement recorded after 18 days. No explanation is on record to show why his name was not mentioned earlier, especially when the complainant seemed to know all the accused(s) and their parentage.

5. I always have and continue to find it extremely unnatural that the complainant would stand amid 24 people attacking seven persons and the complainant can accurately recall with razor sharp memory the entirety of the scene including who shot whom on which part of the body and in which sequence and himself manages to escape the scene unscathed. It seems a deliberate attempt to rope in as many people as possible. Looking at the facts of the incident holistically, I am unable to exclude malafide, especially with regards to throwing the net wide.

6. Given the above, the case against the applicant requires further inquiry. He is, therefore, admitted to post arrest bail against a surety of Rs. 100,000 and a PR Bond for the same amount to the satisfaction of the trial court.


Judge 18/3


Judge

Manzoor