

ORDER SHEET

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

1st Cr. Bail Appln. No.S- 621 of 2024.

DATE OF HEARING

ORDER WITH SIGNATURE OF HON'BLE JUDGE

- 1.For orders on office objection as flag A.
2. For orders on bail application.

26.3.2025.

Mr. Muhammad Ibrahim Lashari, advocate for the applicant.

Mr. Aitbar Ali Bullo, D.P.G.

O R D E R.

SHAMSUDDIN ABBASI-J.:- By this application, applicant Lakhmeer Brohi Lango seeks post arrest bail in Crime No.99 of 2024 of P.S Saddar registered for an offence under Sections 302, 337-H(2), 148, 149 PPC, after his bail plea was dismissed by the trial Court vide order dated 03.10.2024.

It is case of prosecution that complainant Muhammad Nawaz lodged FIR on 01.6.2024 wherein he alleged that co-accused Dolat, Muneer and Abdul Malik caused firearm injuries to deceased Sherdil whereas the present applicant Lakhmeer and two other co-accused fired in the air at the time of incident.

Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case; that only role of aerial firing has been attributed to the applicant and specific role of causing firearm injuries to deceased Sherdil has been assigned to co-accused Dolat, Muneer and Abdul Malik. He further submits that sharing common intention requires further enquiry in terms of Section 497 (ii) Cr.P.C.

Perusal of record reveals that on 21.01.2025 complainant appeared in Court and shown full confidence on learned D.P.G. Learned D.P.G opposed grant of bail on the ground that during investigation crime

weapon was recovered from the possession of the applicant and FSL report is positive.

Heard learned counsel for the applicant, learned D.P.G and perused the material available on record.

Admittedly there is delay of more than 12 hours in lodgment of FIR and in the background of enmity it can not be ruled out that the FIR has been lodged by the complainant after due deliberation and consultation. Specific role of causing firearm injuries has been assigned to co-accused Dolat, Muneer and Abdul Malik whereas only role of aerial firing has been attributed to present applicant/accused. Sharing common intention requires further enquiry in terms of Section 497 (ii) Cr.P.C. Reliance is placed in the cases reported as Attaullah v. The State through A.G Khyber Pakhtunkhwa and another (2020 SCMR 451) and Jahanzeb and others v. State through A.G. Khyber Pakhtunkhwa Peshawar and another (2021 SCMR 63).

Sufficient grounds are available on record which make the case of applicant one of further enquiry, therefore, applicant is admitted to post arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/= and P.R bond in the like amount to the satisfaction of learned trial Court.

Needless to say that observations made herein above are tentative in nature which shall not prejudice the case of either side at the trial.

JUDGE

Shabir/P.S