

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

Criminal Bail Appln. No. S-14 of 2025

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|-----------------|--|
| Applicant       | Sharafuddin Chandio s/o<br>Ibrahim Chandio<br>Through Mr. Ali Najaf Memon,<br>advocate |
| Complainant     | Asif Ali Chandio<br>(called absent)  |
| The State       | Mr. Aitbar Ali Bullo, D.P.G for<br>the State   |
| Date of hearing | 16-06-2025   |
| Date of order   | 16-06-2025   |

**ORDER**

**SHAMSUDDIN ABBASI, J.-** Through instant Criminal Bail Application, applicant/accused Sharafuddin Chandio seeks his admission to post-arrest-bail in Crime No.33/2024, for offence U/S 302, 324, 147, 148, 149, 337-H(ii), 384 P.P.C registered with Police Station, Borari, after rejection of his bail plea by the learned trial court vide order dated 14.12.2024.

2. It is alleged in the F.I.R that applicant has fired in the air and he shared common intention, whereas specific role has been assigned to co-accused.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case due to malafide intention and ulterior motives; that there is delay of three days in lodging of F.I.R with plausible explanation; that only role of aerial firing has been assigned to applicant, whereas specific role for causing fire arm injury has been assigned to co-accused. He finally prayed that the case of applicant requires further inquiry in terms of Section 497 Cr.P.C, therefore, he has prayed for grant of post-arrest bail to the applicant/accused.

4. Learned D.P.G. opposed for grant of bail on the ground that crime weapon has been recovered from his possession and there is positive F.S.L report and alleged offence comes within the prohibitory clause of Section 497 Cr.P.C.

5. On the last date of hearing, viz. 26.05.2025, counsel for complainant appeared and on his request, the matter was adjourned for today but today neither the complainant is in attendance nor his counsel.

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

7. Admittedly there is delay of three days in lodging of F.I.R and in background of enmity it cannot be ruled out that F.I.R has been lodged after due deliberation and consultation. Only role of aerial firing has been assigned to applicant/accused, whereas specific role of causing injuries to deceased and injured has been assigned to co-accused. In my humble view sharing of common intention and vicarious liability requires further inquiry in terms of Section 497(2) Cr.P.C, therefore, in my humble view sharing of common intention as well as vicarious liability requires further inquiry in terms of Section 497(2) Cr.P.C in view of law laid down in various pronouncements of Hon'ble Supreme Court. I rely on the case of *Mumtaz Hussain and 5 others v/s. The State* reported in **1996 SCMR 1125** and in case law reported as **2020 SCMR 451** and **2021 SCMR 63**.

8. In view of above, the applicant is admitted on post-arrest bail subject to furnishing solvent surety in the sum of Rs.300,000/- (Rupees three Hundred Thousand only) and P.R bond in the like amount to the satisfaction of learned trial Court.

9. Needless to mention here that observations made hereinabove are tentative in nature and would not prejudice the case of either party at the time of conclusion of case.

JUDGE

Abdul Salam/P.A