

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-311 of 2025

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Applicant: Rashid Son of Umaid Ali,
Through Mr. Rasool Bux Soomro,
Advocate.

Respondent: The State
Through Mr. Ghulam Abbas Dalwani, D.P.G

Complainant: Raja Shoukat Ali Son of Muzaffar Ali,
Through Mr. Khuda Bux, Advocate.

Date of Hearing: 04.12.2025

Date of Order: 04.12.2025

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ORDER

Shamsuddin Abbasi, J-: Applicant Rashid Ali seeks post-arrest bail in Crime No.10 of 2024 under Sections 302, 324, 337-H(ii), 506(ii), 147, 148, 149 and 504 P.P.C, registered at Police Station Jam Nawaz Ali, after dismissal of his bail plea by the learned Additional Sessions Judge-I, Tando Adam, vide order dated 30.08.2025.

2. It is alleged in the F.I.R that applicant alongwith co-accused came at the scene of offence and co-accused Akbar Mari and Motio Mari caused fire arm injury to Umar Shahezore. It is further alleged that co-accused Mir Hassan Mari also caused fire arm injury to Usman @ Waleed whereas co-accused Hazoor Bux and Dino Mari also fired at the complainant party but the fires were missed; however, mere presence of the applicant has been shown at the scene of offence, hence this F.I.R.

3. Learned counsel for the applicant submits that complainant has implicated 18 persons of the same family; that specific role for causing fire arm injury to deceased Umar Shahezore is attributed to co-accused; that

mere his presence is shown at the scene of incident and sharing of common intention requires further enquiry. Lastly, he prayed for grant of post arrest bail. In support of his contentions, he relied on case laws reported as **2005 P.Cr.L.J 652 [Karachi]** and **2023 P.Cr.L.J Note 51 [Sindh (Sukkur Bench)]**.

4. Conversely, learned D.P.G for the State assisted by counsel for the complainant has opposed for the grant of bail on the ground that applicant is nominated in the F.I.R and he has shared common intention; that this court has already dismissed post arrest bail application of co-accused Dilmurad, Mir Khan, Abdul Shakoor, Arab and Rano @ Raho vide order dated 30.09.2024 and case of the applicant is on identical footings, therefore, rule of consistency is applied in the present case.

5. Heard learned counsel for the applicant, learned counsel for the complainant, learned D.P.G for the State and perused the record.

6. Admittedly, there is delay of more than 23 hours in lodgment of the F.I.R and in background of the enmity, it cannot be ruled out that F.I.R was lodged after due deliberation and consultation. In the present case, the complainant has nominated 18 accused persons out of them specific role has been assigned to co-accused Akbar Mari, Motio Mari and Mir Hassan for causing fire arm injury to deceased and injured and mere presence of the applicant is shown at the scene of offence. Neither the specific role has been assigned to the applicant nor overt act. No any incriminating material has been recovered from his possession. Case has been challaned and applicant is no more required for further investigation. In my humble view, sharing of common intention without any active participation in the alleged offence requires further enquiry in terms of Section 497(ii) Cr.P.C as held by Hon'ble Supreme Court of Pakistan in a case of Manzoor Hussain

vs. The State reported in **2011 SCMR 902.**

7. In view of the above, the applicant is admitted on post arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- and a P.R Bond in the like amount to the satisfaction of learned trial court.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The application stands disposed of.

JUDGE

Faisal