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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Bail Appln. No. 5 - 179 of 2017

Date	Order with signature of Judge
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1. For order on office objections.
2. For hearing of bail application.

Applicant: Ali Raza  
through Mr. Zafarullah Jakhrani, Advocate

Respondent: The State  
through Syed Sardar Ali Shah, DPG

Date of short order : 21-08-2017  
Date of detailed reasons : -09-2017

**ORDER**

**Omar Sial, J.** The Applicant has sought post arrest bail in crime number 59 of 2014 registered u/s 302, 337-H(ii), 148 and 149 PPC at the Mola Dad police station. Earlier, on 18-4-2017 his post arrest bail application was dismissed by the learned 1<sup>st</sup> Additional Sessions Judge at Jacobabad.

2. Brief facts of the case are that the aforementioned FIR was lodged by one Qurban Ali Khoso who stated therein that his sister Muradan is married to one Mohammad Azam Khoso. About 5 years and 2 months back his sister had come back home with the permission of her husband. For some reasons she delayed her going back home which annoyed her husband. On 14-1-2014 the complainant was sleeping at home with his brother Allah Dino, sister Muradan, cousins Sahib Dad and Bahawal Din Khoso when they were woken up and in the light of a bulb saw nine persons inside their house. The complainant identified 6 of them as the Applicant, Mohammad Azam, Soomar, Mehboob, Deen Mohammad and Hayat whereas 3 remained unidentified. All nine were armed. Mohammad Azam asked Allah Dino as to why had he not sent his wife back home and then proceeded to fire at Allah Dino with his weapon; Mehboob fired at Muradan. The accused then ran away while resorting to aerial firing. Muradan and Allah Dino both subsequently died.

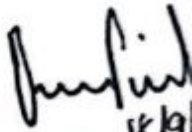
3. I have heard the learned counsel for the Applicant as well as the learned APG. The complainant and his counsel remained absent despite being at notice. My observations are as follows.

- (i) No overt role has been specifically assigned to the Applicant. Only his presence is alleged. Whether the Applicant shared a common intention with those who are nominated to have fired upon the deceased will have to be established after

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evidence is led. In the circumstances the role of the Applicant in the crime requires further enquiry.

Above are the reasons for my short order of 21-8-2017 in terms of which the Applicant was granted post arrest bail subject to his furnishing a solvent surety in the amount of Rs. 500,000 and a P.R. Bond in the like amount.

  
JUDGE 18/9/17