

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No. S-24 of 2025

Date	Order with signature of Judge
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**Applicant:** Kamal Fakeer alias Kamal  
**Through** Mr. Muhammad Hanif Maitlo, advocate.

**The State:** Through Syed Sardar Ali Shah, Addl. Prosecutor General.

**Date of hearing.** 24-03-2025.  
**Date of decision.** 24-03-2025.

ORDER

Ali Haider 'Ada',J:- Through this application, the applicant/accused Kamal Fakir alias Kamal seeks post-arrest bail in Crime No.158 of 2024, offence u/s 324, 353 PPC registered at Police Station 'B' Section, Khairpur as his bail application was turned-down by learned Additional Sessions Judge-III Khairpur vide order dated 15-08-2024, hence he prefers the instant bail application.

2. Briefly the facts of the instant case are that Complainant/HC Ajeeb Ali Lakho of PP Shah Hussain Khairpur lodged FIR on 30-04-2024 on behalf of state stating therein that on the day of incident he alongwith his subordinate PC Abdul Shakoor Bhugti left PP Shah Hussain in police uniform on private motorcycle vide entry No.22 in daily diary dated 29.04.2024 for patrolling while patrolling they proceeded along link road leading Razi Goth to village Khedo, at about 0800 hours when they reached at palm trees garden they heard voice of fires and they at once proceeded towards there and saw three persons armed with pistols in their hands and they were making direct fires upon one person

with intention of murder on which the complainant party stopped the motorcycle and went ahead and identified accused namely Abdul Qadeer alias Qadu, Kamal, Manjhi who on seeing complainant party escaped away in the palm trees garden. It is alleged they saw one PC namely Abdul Samad who told them that he is process server of the Court and he went to serve notice of Court upon Abdul Qadeer alias Qadu Phulpoto to which they annoyed and in retaliate thereof they deterred in performance of his legal duties and made direct pistol fire shots on leg and forehead have seriously injured him and on seeing complainant party they fled away. Complainant party took injured PC Abdul Samad Channa at hospital for first aid, got his treatment and due to his serious condition they remained present at hospital and after his improvement complainant got registered FIR.

3. Learned counsel for the applicant contended that there is delay in registration of FIR without any plausible explanation and even the role is not in specific nature and as per FIR his role is general in nature. He further submits that no description of warrant is mentioned while the injury as alleged is not on vital part of the body of injured. He places reliance upon the case of *Saeedullah and 2 others v. The State and another* (2023 SCMR 1397).

4. On the other hand, learned Additional Prosecutor General while opposed the bail application submits the Court process was interrupted and recovery of Pistol was also effected from the possession of applicant therefore, applicant is not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the material available on record.

6. Perusal of record reflects that complainant disclosed in the FIR that one PC namely Abdul Samad/injured in order to comply with the process of Court approached at place, in which incident was taken place but there is no mention of the Court from which warrants or process were issued against the applicant or others as no details were provided.

7. As the injury was not specific alleged against applicant that he caused such injury as the role is collective and general in nature which is to be determined at the time of trial. The recovery of weapon without direct role is no ground for refusal of bail. Reliance is placed on case of *Bahadur v. The State and another* (2025 SBLR Sindh 193).

8. In view of above, I am of the considered view that applicant/accused has been able to make out a case for grant of bail. Accordingly, instant bail application is allowed. The applicant/accused, namely, Kamal Fakir alias Kamal son of Noor Muhammad Phulpoto is granted post-arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One lac) and PR bond in the like amount to the satisfaction of the trial Court.

9. Needless to state, the observations made herein are tentative in nature and shall not prejudice or influence the learned trial court in any manner while adjudicating the case of the applicant/accused on its own merits.

Bail application stands disposed of in the above terms.

*J U D G E*

*Ihsan/P.A*