

ORDER SHEET  
IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD  
**Cr. B.A. No. D- 34 & 35 of 2015**

DATE	ORDER WITH SIGNATURE OF JUDGE
30.03.2016	

Mr. Bhagwandas Bheel, Advocate for applicant  
Mr. Shahid Shaikh, A.P.G.

By this common order, captioned Cr. Bail Applications are disposed of. Applicant is accused in Crime No. 165 of 2014 under Section 324, 353, 427, 147, 148, 149 PPC r/w Section 6/7 ATA and in Crime No. 166 of 2014 under Section 23-A Sindh Arms Act both registered at police station Sanghar.

The allegations against the applicant are that he along with co-accused fired upon the police party on 30.9.2014 at about 0430 hours to 1200 hours from the roof of cinema situated in Sanghar town. And as a result of which the police officials received injuries and one of police vehicles was also damaged. The applicant was arrested from the spot along with repeater whereas co-accused who were as many as 29 in numbers made their escape good. The allegations against the co-accused are same. Out of 29 co-accused 14 have been named in the FIR with the similar role as that of the applicant.

Learned counsel for applicant has informed that 10 co-accused having similar role have been granted bail by the Trial Court whereas the bail of applicant has been rejected only on the ground that he was arrested from the spot and weapon was recovered from him.

Learned APG after going through the bail orders of the co-accused states that although the rule of consistency appears to be applicable in this case but since the applicant was arrested from the spot and weapon was recovered from him, he is not entitled for grant of bail.

We have heard both the counsel and perused the material available on record. Except the arrest of the applicant from the spot and alleged recovery of weapon no other distinction in the role of applicant and other co-accused who have been granted bail by the trial court has been pointed out by learned APG. We are of the view that merely arrest of the applicant from the spot would not make him dis-entitled to the concession of bail particularly so when same concession to the co-accused having been assigned same role has been extended. We have been informed that despite lapse of 16 months the trial has

not made any progress and no evidence of any P.Ws has been recorded, although they are police officials, whose attendance could be procured relatively with ease. The ATC Act, 1997 stipulates that the trials in the ATC cases are to be expeditiously held. In the circumstances, we find the applicant entitled to the concession of bail. Accordingly we grant him bail in both the cases subject to his furnishing a solvent surety in each case in the sum of Rs.100,000/- (Rupees One lac only) and PR bond in the like amount to the satisfaction of trial court. The trial court is directed to expedite the matter and shall conclude the trial within a period of two months.

The Bail Applications are disposed of accordingly.

JUDGE

JUDGE

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