

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 309 of 2016.

Date of hearing
02.12.2016.

Order with signature of Judge

FOR HEARING.

Mr. Faiz Muhammad Larik, Advocate for applicant.
Mr. Khadim Hussain Khoso, Advocate for complainant.
Mr. Sardar Ali Rizvi, A.P.G.

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Through instant application, applicant Qiyas Ali @ Iqbal Golo seeks post arrest bail in Crime No.114/2004 P.S Buxapur, registered for offences punishable under Sections 302, 337-H (2), 148, 149 P.P.C.

The applicant is not nominated in the F.I.R registered by the complainant on 18.12.2004 at about 1030 hours to the effect that on the same day at about 07.00 a.m. in all six accused, out of whom four are nominated in F.I.R including three brothers of the applicant and two unknown accused, initially tried to abduct deceased Abdul Latif from land of Phullo Golo, but on resistance he was killed by them.

I have heard both the parties. Learned counsel for complainant has opposed grant of bail mainly on the ground that the applicant remained fugitive from law for about ten years; therefore, he is not entitled to bail. He has relied upon a case law reported in 2009 SCMR 803 in this regard.

On the other hand learned APG has recorded his no objection to the grant of bail on the ground that complainant has named three brothers of the applicant in F.I.R but surprisingly he has not taken name of the applicant therein, which calls for further enquiry.

As the record stands, the applicant is not nominated in F.I.R; no role is attributed against him either. The complainant has nominated three of his brothers with their father's name but strangely, he has not nominated the applicant. It is obvious that parties are known to each other, therefore, non-mentioning of the name of applicant in the F.I.R



would make case against him to be of further enquiry. As for abscondence of the applicant, it is a well settled principle of law that mere abscondence cannot be considered a ground for rejecting the bail, if otherwise, on the merits the accused is entitled to bail. In such circumstances, I am of the view that applicant has been able to make out a case for grant of bail. Resultantly, he is granted bail upon his furnishing a solvent surety in the sum of Rs.100,000/- (One hundred thousand rupees) and P.R bond in the like amount to the satisfaction of the trial Court.

  
JUDGE 02-12-2016