

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Cr. Bail Appln. No.S- 200 of 2025.

| DATE OF HEARING | ORDER WITH SIGNATURE OF HON'BLE JUDGE |
|-----------------|---------------------------------------|
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- 1.For orders on office objection as flag A.
- 2.For hearing of bail Application.

05.5.2025.

Mr. Ahmed Bux Abro, advocate for the applicant.

Mr. Aitbar Ali Bullo, D.P.G.

O R D E R.

AMJAD ALI SAHITO-J.- Through this bail application, applicant Khuda Bux Brohi is seeking post arrest bail in Crime No.58/2024 of P.S Behram under Sections 302, 114, 148, 149 PPC, after dismissal of his bail plea by learned trial Court vide impugned order dated 27.3.2025.

Details and particulars of the FIR are already available in the memo of instant application, same can be gathered from the copy of FIR attached with the application, hence need not reproduce the same hereunder.

Per learned counsel, though name of applicant appears in the FIR but only role attributed to him is instigation; he has been falsely implicated in this case in the background of landed dispute which is also admitted in the FIR; the applicant is no more required for further investigation and his further detention in jail will not improve the prosecution case.

On the other hand, learned D.P.G has vehemently opposed the grant of bail.

Heard learned counsel for the applicant as well as learned D.P.G and perused the material brought on record.

Perusal of record reflects that FIR is delayed for about 21 hours for which no plausible explanation has been furnished by the complainant. Though name of applicant appears in the FIR but no specific role is attributed to him exception role of instigation. Admittedly there is standing landed dispute between the parties and al the prosecution witnesses are close relatives of the complainant, therefore, false implication of applicant can not be ruled out.

Case has been challaned and he is no more required for further investigation, therefore, his further detention in jail will not improve the prosecution case. On all these scores prosecution case against the present applicant calls for further enquiry. Reliance is placed on the cases reported as *Qurban Ali v. The State* (2017 SCMR 279) and *Mumtaz Hussain and 5 others v. The State* (1996 SCMR 1125).

In view of above, learned counsel for the applicant/accused has made out case for grant of bail in view of subsection 2 of Section 497 Cr.P.C. Resultantly, instant bail application is allowed. Applicant shall be released subject to furnishing solvent surety in the sum of Rs.100,000/= and P.R bond in the like amount to the satisfaction of trial Court.

Needless to say, observations made herein above are tentative in nature and would not prejudice the case of either side.

JUDGE

Shabir/P.S

