

## ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
LARKANA

Criminal Bail Appln. No. S-187 of 2024

Applicant Adam s/o Raheem Bux Mari,  
Through Mr. Abdul Rehman A.  
Bhutto, advocate

The State Mr. Aitbar Ali Bullo, D.P.G for  
the State

Date of hearing: 16-05-2024

Date of Order: 16-05-2024

**SHAMSUDDIN ABBASI, J.**- Through instant criminal bail application the applicant/accused Adam s/o Raheem Bux Mari seeks post-arrest bail in Crime No. 192/2023, registered at Police Station Kashmore, for the offence U/S 311, 419, 310-A, 384, 143, 355 P.P.C, after rejection of his bail plea by the learned trial court vide order dated 16.11.2023.

2. The facts of the prosecution case are that on 24.09.2023, the complainant H.C Nabi Bux Samon lodged the F.I.R at Police Station Kashmore stating therein that he was on patrolling and he came to know about Jirgah in respect of honour killing of Waloo @ Shafi Muhammad and Mst. Benazir. The complainant along with sub-ordinate staff went there and saw that the applicant/accused along with 15 co-accused was doing Jirgah, while seeing police party all the accused escaped away from the scene of offence. The complainant returned back to Police Station and lodged the F.I.R.

3. Learned counsel for the applicant/accused contends that applicant/accused is innocent and he has been falsely implicated in this case; that alleged offence does not come within the prohibitory clause of Section 497 Cr.P.C; that he is in custody since 04.10.2023 without progress in the trial. He has, therefore, prayed for grant of post-arrest bail to the applicant/accused.

4. On the other hand, learned Deputy Prosecutor General has vehemently opposed for grant of bail on the ground that applicant party is creating parallel system to the judicial system, therefore, he is not entitled for grant of post-arrest bail.

5. Heard learned counsel for the applicant, learned Deputy Prosecutor General and perused the material available on the record.

6. The allegation against the applicant/accused is that he was conducting faisla of honour killing and police reached there but they made escape good from the scene of offence, therefore, the complainant lodged the F.I.R of above incident. Admittedly, the alleged offence does not come within the prohibitory clause of Section 497 Cr.P.C. and no one can be kept in jail for indefinite period without progress in the trial.

7. It is well settled principle of law that grant of bail in such cases is right and its refusal is exceptional. Reliance is placed on the case of *Muhammad Tanveer v. The State and another* (**PLD 2017 S.C 733**).

8. In view of above, it appears that the applicant/accused has made out his case for grant of post-arrest bail, therefore, he is admitted on post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand) and P.R bond in the like amount to the satisfaction of trial court.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial court while deciding the case of either party at trial.

**J U D G E**

Abdul Salam/P.A