

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Appln. No. S-196 of 2024
Criminal Bail Appln. No. S-207 of 2024
Criminal Bail Appln. No. S-213 of 2024

Applicants

(In Cr. Bail. Appln. No. S-196/2024)

1. Amanullah s/o Haji Allahyar Nindwani
2. Hassan Ali s/o Amanullah Nindwani

Applicants

(In Cr. Bail. Appln. No. S-207/2024)

1. Javed s/o yar Ali
 2. Imran s/o yar Ali
 3. Parvez s/o Hamal
 4. Abdul Waheed s/o Hamal
 5. Zahid s/o Ahmedan
 6. Feroz s/o Ahmedan
 7. Mashghool s/o Ahmedan
- All by caste Nindwani,

Applicants

(In Cr. Bail. Appln. No. S-213/2024)

1. Hamal s/o yar Ali
 2. Subo s/o yar Ali
 3. Imamdin s/o Haji Hassan
 4. Pahardin s/o Imamdin
- All by caste Nindwani

All applicants through Mr. Saeed Ahmed B. Bijarani, advocate

The State

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

Date of hearing: 13-05-2024

Date of Order: 13-05-2024

SHAMSUDDIN ABBASI, J.- Through this single order, I would like to dispose of three criminal bail applications [filed](#) by the applicants/accused for grant of post arrest-bails arising out of same crime bearing No. 26/2024 of P.S. Karampur, District Kashmore @ Kandhkot, for the offence U/S 353, 324, 148, 149 P.P.C, after rejection of their bail plea by the learned trial court vide two separate orders dated 05.04.2024 and 19.04.2024.

2. The facts of the prosecution case are that on 22-03-2024 complainant H.C Muhammad Aslam Jamali was on police duty when all the above named accused persons duly armed with K.K along with 4 unidentified

accomplices started straight firing upon police party with intention to commit their murder complainant party stopped their vehicle alighted from it took shelter from southern side and started firing upon accused persons in their defense. Complainant party advanced towards them but accused persons fled away towards northern side by taking benefit of jungle such encounter continued for about 20 minutes then complainant returned back to PS where he lodged the FIR as stated above.

3. Learned counsel for the applicants/accused has contended that applicants/accused are innocent and they have falsely implicated in this case; that in the alleged incident, no any bullet was hit to police mobile; that applicants were arrested on 28.03.2024 and 30.03.2024 respectively and nothing incriminating material has been recovered; that there is no criminal record of the applicants as such the case of applicants calls for further inquiry in terms of Section 497 Cr.P.C. He has, therefore, prayed for grant of post-arrest bail to the applicants/accused.

4. On the other hand, learned Deputy Prosecutor General assisted by learned counsel for the complainant has vehemently opposed for grant of bail on the ground that applicants are nominated in heinous offence, therefore, they are not entitled for any lenience and prayed for dismissal of their bail application.

5. Admittedly, no one has received any fire arm injury from either side though both the parties were shown armed with deadly weapons and even no bullet hit to police mobile. The applicants were arrested on 28.03.2024 and 30.03.2024 and nothing incriminating material has been recovered from their possession at the time of arrest or during investigation. Learned counsel for the applicants mainly argued that applicants are students and falsely implicated in this case due to political rivalry in background of election. As far as applicability of Section 324 Cr.P.C is yet to be determined at the time of trial.

6. From the tentative assessment of the material available on record, it appears that the applicants/accused have made out a good prima

facie case of further enquiry, therefore, they are entitled for grant of post-arrest bail.

7. Accordingly, all three bail applications are hereby allowed. Applicants/accused are admitted on post-arrest bail subject to their furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty thousand) each in all bail applications and P.R bond in the like amount to the satisfaction of learned trial court.

8. 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