

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Appln. No. S-493 of 2025

Applicant	Arbab Ali Bijarani, Through Mr. Altaf Hussain Surahio, advocate
Complainant	Zafar Ali (called absent)
The State	Through Mr. Nazeer Ahmed Bhangwar, D.P.G for the State
Date of hearing	02-10-2025
Date of order	02-10-2025

ORDER

SHAMSUDDIN ABBASI, J.- Through instant Criminal Bail Application, applicant/accused Arbab Ali Bajkani, seeks his admission to post-arrest-bail in Crime No.93/2023, for offence U/S 302, 324, 337-A(i), 337-F(i), 337-F(v), 147, 148, 149 P.P.C, registered with Police Station B-Section Kandhkot, after rejection of his bail plea by the learned II-Additional Sessions Judge, Kandhkot vide order dated 30.08.2025.

2. It is alleged in the F.I.R that applicant along with nominated accused armed with deadly weapons and lathis assaulted on complainant party and caused injuries to complainant wherefrom injured Ghulam Murtaza succumbed due to injury, therefore, Section 302 P.P.C was incorporated in the case.

3. Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this case due to malafide intention; that no role has been assigned to the applicant and mere his presence has been shown at the scene of offence and sharing common intention requires further inquiry in terms of Section 497 Cr.P.C.

4. The notice was issued to the complainant. Today S.H.O P.S. B-Section Kandhkot has furnished his report that complainant

is absconder in F.I.R No.156/202, U/S 324 P.P.C and F.I.R No.09/2025, for offence U/S 302 P.P.C and he is not traceable.

5. Learned D.P.G. has opposed for grant of bail on the ground that alleged offence carries capital punishment, therefore, the applicant is not entitled for grant of bail.

6. Heard learned counsel for the applicant, learned D.P.G. and perused the material available on the record.

7. Admittedly no role has been assigned to the applicant and mere his presence has been shown at the scene of offence and sharing of common intention/object requires further inquiry in terms of Section 497 Cr.P.C and shall be decided after conclusion of trial. Therefore, applicant has made out case of further inquiry as envisaged under section 497(2) Cr.P.C. Reliance is placed on the case of ***Manzoor Hussain and another v. The State reported in 2011 SCMR 902.***

8. Sufficient grounds are available, which make out the case of applicant for grant of post-arrest bail.

9. Accordingly, instant criminal bail application is allowed. The applicant is admitted on post-arrest bail subject to furnishing solvent surety in the sum of Rs.300,000/- (Rupees three hundred Thousand only) and P.R bond in the like amount to the satisfaction of learned trial Court.

10. Needless to mention here that observations made herein above are tentative in nature and would not prejudice the case of either party at the time of conclusion of case.

JUDGE

Abdul Salam/P.A