

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Bail Appln. No. 5 – 127 of 2017

Date \_\_\_\_\_ Order with signature of Judge \_\_\_\_\_

1. For order on office objections.
2. For hearing of bail application.

Applicant: Muhammad Yousuf  
through Mr. Shakeel Ahmed G. Ansari, Advocate

Respondent: The State  
through Mr. Aijaz Mustafa Samtio, DDPP

Complainant: through Mr. Anwar Ali Shaikh, Advocate

Date of short order : 28-08-2017

Date of detailed reasons : OS 16 -09-2017

**ORDER**

Omar Sial. J.: The Applicant has sought post arrest bail in crime number 51 of 2016 registered u/s 324, 147, 148, 149 and 337-H(ii) P.P.C. Earlier, on 25-2-2017, his post arrest bail application was dismissed by the learned Additional Sessions Judge-III at Shikarpur.

2. Brief facts of the case are that on 8-7-2016 one Ameeran Khatoon lodged the aforementioned F.I.R. stating therein that on 5-7-2016 she along with her son Tahir Marfani, sister-in-law Azeeman and cousin Manzooran and one Muhammad Nawaz went to Garhi Yasin for Eid shopping. When they were returning, they stopped for tea at a restaurant. At about 6:30 p.m. they say that Muhammad Pannah, Wajid, Mohammad Yousuf, Gulzar, Mehboob and Barkat emerged on the scene on motorcycles. Gulzar, Wajid and Barkat fired with their pistols on Eiden and Abdul Ghaffar who were sitting outside on a bench. Hearing the firing, her son Tahir and Mohammad Nawaz Marfani came out to see what had happened. Upon seeing them, Gulzar and Wajid fired from their pistols on Tahir. Barkat fired at Muhammad Nawaz. Both sustained injuries.

3. I have heard the learned counsel for the Applicant and complainant as well as the learned APG. I have also examined the record. My observations are as follows.

4. No overt role is assigned to the Applicant. His mere presence on the scene is alleged. It is also not said in the FIR that the Applicant was even armed. The role of firing and injuring Tahir and Mohammad Nawaz is specifically attributed to accused Gulzar, Wajid and Barkat. In such circumstances whether the Applicant shared a common intention with the accused who caused injuries is yet to be determined after evidence is led in trial. Further, the story as narrated by the complainant also requires further inquiry as it requires explanation as to how

the complainant could witness the initial firing by the accused when according to her own account she was inside the house.

5. Above are the reasons for my short order dated 28-8-2017 in terms of which the Applicant was admitted to post arrest bail subject to his furnishing a solvent surety in the amount of Rs. 100,000 and a P.R. Bond in the like amount.

*Shankar*  
JUDGE 18/9/17