

71

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

Crl. Bail Appln. No. S- 270 of 2017

Date of hearing	Order with signature of Judge
28.08.2017.	

Mr. Ghulam Ali Rind, Advocate for applicants.  
Mr. Aijaz Mustafa Samtio, DDPP.

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**Omar Sial, J:** The Applicants have sought pre-arrest bail in crime number 28 of 2007 registered u/s 302, 364, 341, 114, 147 and 148 P.P.C. at the Gharhi Khairo police station. Earlier, on 5-6-2017, their post-arrest bail application was turned down by the learned 2<sup>nd</sup> Additional Sessions Court in Jacobabad.

2. Brief facts of the case are that on 1-5-2007, one Mohammad Hanif lodged the aforementioned FIR stating therein that an elder of the complainant, namely, Mir Muhammad Sallah Shahliani has a murderous dispute with the Buledi tribe. Earlier that day, the complainant along with his brother Ghulam Sarwar, and relatives Daud and Habibullah had gone to Usta Mohammad for some reason. When they were returning from there, at about 7:45 p.m. they were waylaid by 30 persons. The complainant identified 22 of them as being, Applicant Abdul Qadir (with a G-3 rifle), Durrani, Qamar Zaman, Murad Ali, Abdul Rehman, Ashfaq, Imtiaz, Kabeer, Muhammad Murad, Rehmatullah, Hazaro, Mohammad Bux, Nisar Ahmed, Mashooq Ali, Applicant Lal Jan, Saindad, Mashooq Ali, Pandhi, Applicant Jhando, Banhoon, Ali Jan, Applicant Mohammad Azeem, Talib, Razan, Miandad and Khadim (all armed with Kalashnikovs and all part of the Buledi tribe). The remaining 4 persons were not identified by him. Upon the instigation of Applicant Abdul Qadir, the complainant party was forcibly taken away to a bungalow by these accused. At 8:15 p.m. Applicant Abdul Qadir again instigated the other accused to murder Ghulam Sarwar Jamali. Upon the instigation, all the accused persons fired at Ghulam Sarwar Jamali. The accused then took the body of Ghulam Sarwar Jamali and dropped it off at the Punj Gali Chowk in Gharhi Khairo town.

3. I have heard the learned counsel as well as the learned DDPP and the heirs of the deceased Ghulam Sarwar Jamali. Examined the record. My observations are as follows.

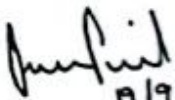
4. Admittedly, there was an existing murderous dispute between the parties. All 30 persons who were said to have fired jointly at the deceased are members of the same tribe. No specific role has been assigned to any of the Applicants. Only the role of instigation has been assigned to Applicant Abdul Qadir. At this stage throwing the net wide

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by the complainant due to ulterior reasons and malafide, due to an admitted murderous dispute cannot be conclusively ruled out.

5. The post mortem report shows 4 wounds of entrances and 2 wounds of exit on the body. This would mean that the deceased was hit by 4 bullets. Keeping in view the fact that it was alleged that all 30 persons fired at the deceased from a relatively short distance, prima facie, the post mortem report does not reconcile with the ocular version.

6. Above are the reasons for my short order of 28-8-2017 in terms of which the Applicants were admitted to post arrest bail subject to their furnishing solvent sureties in the amount of Rs. 100,000 each and P.R. Bonds in the like amount subject to the satisfaction of the trial Court.

  
JUDGE 9/9/17