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

Cr. Bail Appln. No. 5 - 274 of 2017

Date _____

Order with signature of Judge _____

For hearing of bail application.

Applicants

1. Mansoor
 2. Liaquat
- through Mr. Shahbaz Ali Brohi, advocate

Respondent:

The State through Mr. Aijaz Mustafa Samtio, DDPP

Date of short order : 28-08-2017

Date of detailed reasons : 08-09-2017

ORDER

Omar Sial, J: The Applicant has sought post arrest bail in crime number 10 of 2016 registered u/s 302, 337-A(ii), F(ii), H(ii), 114, 148 and 149 P.P.C. at the Bachal Bhayo police station. Earlier, his post arrest bail application was dismissed by the learned Additional Sessions Judge-V at Shikarpur on 12-4-2017.

2. Brief facts of the case are that on 21-10-2016 one Manzoor Ahmed Mahar registered the aforementioned FIR stating therein that he has a dispute with one Bakshal Mahar over rotation of water. On 19-10-2016, the complainant along with his son Rahim Bux, brother Imam Bux and nephews, Mujahid and Aijaz were in their otaq when at about 5:15 p.m. Bakshal (with a hatchet), Rahib (with a gun), Janib (with a Kalashnikov), Ghulam Shabbir (with a hatchet), Waseem (with a Kalashnikov), Liaquat (with a cudgel), Shah Nawaz (with a hatchet), Mansoor (with a Kalashnikov) and 3 other unknown persons (all armed with guns) appeared. Upon Bakshal's instigation, Waseem fired on Rahim Bux. Bakshal, Ghulam Shabbir, Shahnawaz then hit Rahim Bux, Imam Bux and Mujahid, respectively, with their hatchets. Janib fired at Aijaz. They accused then went away while resorting to aerial firing. Rahim Bux died in this attack, while Imam Bux, Aijaz and Mujahid were injured.

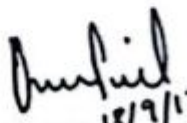
3. I have heard the learned counsel and examined the record with their assistance. The complainant remained absent despite notice. My observations are as follows.

4. Only the role of aerial firing is assigned to the Applicant Mansoor while mere presence and no overt act is assigned to Applicant Liaquat. The death and injuries were caused by other accused. Whether the Applicants were indeed present and shared a common intention with those who committed the murder and caused injuries will have to be determined after evidence is led in trial and at this stage, keeping the circumstances in which the incident was said to have

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occurred, requires further inquiry. Further, it appears that all members of the same tribe have been booked in this incident and that keeping in view the past admitted enmity with the accused Bakshal, throwing the net wide by the complainant cannot be conclusively ruled out at this stage. The fact that the person with whom the accused had enmity was left unscratched also warrants further enquiry.

5. 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 a solvent surety in the amount of Rs. 100,000 each as well as P.R. Bonds in the like amount subject to the satisfaction of the trial court.


JUDGE 18/9/17