

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.**

Crl. Bail Application No. S- 451/2024.

Date of hearing	Order with signature of Judge
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For hearing of bail application.

**O R D E R.**  
**05.08.2024.**

Mr. Shabbir Ali Bozdar, Advocate for the applicants.  
Syed Sardar Ali Shah, Additional Prosecutor General.

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The applicant seeks post arrest bail in crime No.76 of 2024 under sections 302, 311, 147, 148, 149 PPC registered at Police Station Khanpur Mahar, District Ghotki lodged by state. After rejection of his bail plea as ordered by learned trial Court in its order dated 29.06.2024

The FIR reports the tragic death of one late Mst. Sughra by way of injures on the head said to have been received when the present applicants were holding her hands.

Learned counsel contends that present applicants have only been assigned supporting role and as such liable for concession of bail. He further contends that co-accused have been granted bail in the matter and as such the present applicants are also liable to be considered for the concession of bail. He has also referred to order dated 22.07.2024 wherein mother and father of the deceased/victim Mst. Sughra have extended no objection for grant of bail by way of affidavits. In this regard he has relied upon the cases of Muhammad Nadeem vs. The State and other (2023 SCMR 184), Shabbir Ahmed and another vs. The State and nother

(2010 MLD 185) and Sajid vs. The State (SBLR 2022 Sindh 945).

Learned Additional P.G, however, contends that according to the FIR a heinous crime has taken place whereby Mst. Sughra was put to death by hatchet blows on the allegation of Karap. He further contends that such actions of such nature have never been appreciated and in this regard the duty of care has repeatedly been considered by the Courts as referred to in the reported cases of syed Ikhlake Hussain and others vs. The state (1995 P.Cr.L.J 1114), Ghulam Mustafa Khaskheli vs. The state (SBLR 2014 Sindh 748), Ghulam Yaseen vs. The State and another (PLD 2017 Lahore 103), Ameer Bux vs. The State (2021 YLR Note138), Abdul Jabbar alias Jabbar vs. The State (2018 P.Cr.L.J Note 184), Muhammad Panah vs. The State (2019 P.Cr.L.J Note 143).

I have heard learned counsel for the parties and perused the material available on record.

The presence of the affidavits of mother and father of the victim under the allegation of KARI apparently do not provide any benefit to the applicants as prima facie the deponents have to face severe pressure. The applicants are apparently close relatives of the victim who have failed to ensure that the victim was not liable to any exposure on account of a her will to exercise the option as provided to her by religious as well as the law which may be at time restricted by unavailable social standard in this regard even the concept of Wali requires protection to the womenfolk. The specific allegation in respect to the applicants is present in the FIR of restraining the victim and in the said circumstances where innocent woman has been killed in the manner as reported the concession of bail is not found attracting and accordingly

bail application is dismissed. However, directions are being issued for conclusion of the trial specified in the short order passed today whereas the forgoing are the reasons of the said short order.

Captioned bail application stands disposed of.

**J U D G E**

Irfan/P.A