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**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.**

Cr. Bail Appln. No.S-155 of 2022

**Abdul Rasheed Jagirani  
Vs  
The State**

Applicant : Through Mr. Ghulam Mustafa R. Junejo, Advocate.

State : Through Mr. Ali Anwar Kandhro, Addl. Prosecutor General.

Complainant : Through Mr. Imtiaz Ali Brohi, Advocate.

Date of hearing : 28.04.2022.

Date of Order : 28.04.2022.

**ORDER.**

MUHAMMAD SALEEM JESSAR, J.- Applicant Abdul Rasheed Jagirani seeks his release on bail in Crime No.86 of 2021, registered at Police Station Rustam, for offence under Sections 302, 324, 147, 148, 149, 411, 337-H, PPC, after his bail plea has been declined by the learned 1<sup>st</sup> Additional Sessions Judge/MCTC, Shikarpur vide order dated 21.03.2022.

2. The allegation against the applicant Abdul Rasheed Jagirani is that he allegedly made aerial firing at the time of incident, thereby facilitated the co-accused. The main role of causing firearm injury to deceased Mumtaz Ali is assigned to co-accused Manzoor, who is absconding and other co-accused Ghulam Rasool, who allegedly was having pistol at the time of incident had caused firearm injury to injured PW Ghulam Hadi, is in jail.

3. Learned Counsel for the applicant submits that co-accused Shakal, against whom role of instigation was assigned has already been bailed by this Court out vide order dated 14.3.2022. Copy of order has been annexed in Court file, which supports his contention. He, therefore, submits that law of parity attracts in this case and case against the applicant requires further enquiry, therefore, he may be admitted to bail.

4. Learned Addl. P.G. opposes the bail application, on the ground that applicant is nominated in the FIR and at the time of incident he was having gun, which he has produced during investigation, therefore, he is vicariously liable and is not entitled for concession of bail.

5. Learned Counsel for the complainant while adopting the arguments advanced by learned Addl. P.G. also opposes the bail application.

6. Admittedly, the applicant is nominated in the FIR; however, he has caused no injury or even scratch to any of the witnesses including the deceased. The allegation against him is that he allegedly made fires in the air, which proved ineffective. Co-accused Shakal has already been granted bail by this court and said order has attained finality. Case of applicant is at par with co-accused Shakal, therefore, propriety of law demands that he may also be treated at par. The case has now been challaned by the police, which is pending in the Court of 1<sup>st</sup> Additional Sessions Judge, Shikarpur, where even the charge has not been framed till yet. Since, the applicant has been assigned no overt act or direct role of firing at deceased or injured, therefore, case against him requires further enquiry within the meaning of sub-section (2) of Section 497, Cr.P.C. Consequently, this bail application is hereby allowed. The applicant shall be released on bail on his furnishing solvent surety in the sum of Rs.200,000/- and P.R bond in the like amount to the satisfaction of trial Court.

  
JUDGE