

27

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO
Crl. Bail Appln. No.S-606 of 2023.

Date

Order with signature of Judge

1. For orders on office objection 'A'.
2. For hearing of bail application

27.11.2023.

Mr. Faheem Akhtar, advocate for the applicant.

Mr. Aitbar Ali Bullo, D.P.G.

ORDER.

MUHAMMAD SALEEM JESSAR, J. Through instant bail application, applicant Sardar son of Muhammad Soomar Chandio, seeks post arrest bail in Crime No.331 of 2023 registered at Police Station Kamber City, for offence punishable under sections 324, 392, 34, PPC.

2. The applicant preferred his post arrest bail Application which was dismissed by the Additional Sessions Judge-II, Kamber, vide order dated.19.10.2023, hence this application.

3. The crux of the prosecution case as unfolded by the complainant Asadullah Gopang in his FIR are that he has Kiryana shop and on 18.9.2023 at about 08:30 pm, he was available along with his brother Muhammad Afzal Ali and his uncle Manthar Ali, where three persons came there on motorcycle who were identified on light of bulbs as Sardar, Rustam and one unidentified person; they pointed out pistols from their folds and tried to rob from complainant party and the accused Sardar fired pistol shot on complainant, with intention to commit his murder which went missed, thereafter all accused robbed cash amount of Rs.20,000/- and two mobiles and went away. Thereafter, complainant came at Police Station and lodged FIR to the above effect.

4. Learned counsel for the applicant contends that it is case of ineffective firing and no one has received any injury at the hands of accused persons, therefore, case against the applicant requires further enquiry as envisaged under subsection (2) of Section 497, Cr.P.C. In the circumstances, learned counsel prays that the applicant may be enlarged on bail in the larger interest of justice.

5. Complainant Asadullah Gopang bearing CNIC No.43202-3815781-9, is present and files affidavit duly sworn by him in the office, taken on record. He submits that they are going to settle down

37

differences outside the Court; however, unless private faisla is held, he has no objection for grant of bail.

6. Learned D.P.G, appearing on behalf of the State also raises his no objection for grant of bail on the ground that since it is case of ineffective firing and no one has received any injury in the incident.

7. Since it is case of ineffective firing and in said incident no one has sustained any injury or scratch. The complainant who himself is victim raises his no objection to the grant of bail and to such effect he has sworn-in his affidavit, wherein he has disclosed that he has patched up with the applicant outside the Court on the intervention of Nekmards. Accordingly, instant bail application is hereby allowed. The applicant shall be released on bail subject to his furnishing solvent surety in the sum of Rs.50,000/- and P.R bond in the like amount to the satisfaction of trial Court.

Judge

M.Y.Panhuwar/**