

(69)

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Cr. Bail Appln. No. S-11 of 2019

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
--------------------	-------------------------------

11.03.2019.

1. For orders on office objections.
2. For hearing of Bail Application.

Mr. Mumtaz Ali Brohi, advocate for the applicants, along with applicants (on bail).

Mr. Aitbar Ali Bullo, DPG, along with SIP Liaquat Ali Lashari, SHO PS Mouladad.

Process issued against legal heirs of deceased Shafiq Ahmed, through SHO P.S Mouladad is returned duly served, which is taken on record. Mst. Shahida widow of deceased Shafiq Ahmed, having CNIC No.43102-2186249-4, is present in person and submits that she being legal heir of deceased Shafiq Ahmed has no objection for confirmation of pre-arrest bail to the accused present in Court. She further submits that at the time of death of her husband Shafiq Ahmed, he left behind him herself and two sons, namely, Mohammad Umar, aged about 15 years, and Shah Zain, aged about 11 years, as his surviving legal heirs.

Learned DPG, in view of no objection of Mst. Shahida, the widow of deceased Shafiq Ahmed, has also extended his no objection.

The case is pending trial before the Court of II-Additional Sessions Judge, Jacobabad vide Sessions Case No.702 of 2008 re-State v. Khudadad & others, and the parties have to lead their evidence before the trial Court. As far as legal issue with regard to legal heirs of deceased is concerned, the trial Court at the time of recording evidence shall consider the same in terms of Section 345, Cr.P.C. Hence, the bail application in hand in view of no objection extended by widow of deceased as well as learned DPG requires further enquiry. Consequently, same is hereby allowed. The interim granted earlier on 08.1.2019 is hereby confirmed on same terms and conditions.

Sub Inspector Liaquat Ali Lashari, SHO PS Moula Dad, files his reply to the show-cause notice issued by this Court and submits that process issued by this Court against the legal heirs of deceased has been served and the earlier process issued by this Court was not

(71)

communicated to him, therefore, he could not trace the concerned, hence inconvenience has been caused, for which he tenders his unconditional apology. The submissions made by him in shape of his reply to show-cause notice seem to be justified. Besides, DPG submits that the purpose of process issued by this Court has been served. Accordingly, the show-cause notice issued to SHO P.S Moula Dad is hereby vacated.


JUDGE