

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

Crl. Bail Appln. No. S- 117 of 2019.

Date of hearing	Order with signature of Judge
08.03.2019.	

1. For orders on office objections.
2. For hearing of bail application.

Mr. Ghulam Muhiyuddin Durrani, Advocate for applicant.  
Mr. Sharafuddin Kanhar, A.P.G.

**Muhammad Saleem Jessar, J:** Through this application, applicant Niaz Junejo seeks his admission to pre-arrest bail in Crime No.05/2007, registered with P.S Sijawal, for offences punishable under Sections 302, 34 P.P.C.

The allegation against applicant Niaz Junejo as per F.I.R lodged by complainant Sachal Junejo on 21.01.2007, is that he was accompanying principal accused Nazar Hussain, who is alleged to have fired from his gun at Mst. Husna (the sister of complainant), thereby committed her murder.

Learned counsel mainly contended that, there is no any active role of making fire etc. against applicant, however only his presence being empty handed, has been shown at spot with principal accused Nazar Hussain (who happens to be his brother). Per learned counsel, in these circumstances, the question of sharing common intention vicarious liability of present applicant with co-accused would be determined at the time of trial. Learned counsel also submitted that complainant Sachal and PWs Abdul Ghani and Assadullah had filed their affidavits before trial Court exonerating present applicant from commission of alleged offence and extending no objection to grant of bail to him.

Perusal of F.I.R shows that, it was co-accused Hazar Hussain who is alleged to have fired at Mst. Husna resulting into her death. No active

role of whatsoever in nature except only presence of applicant being empty handed is shown in the first information report, as such his sharing common intention and vicarious liability with main accused would be determined at trial.

Moreover, pursuant to notice, complainant Sachal has put his appearance and stated that he has no objection to confirmation of pre-arrest bail in favor of the applicant.

Learned A.P.G. did not controvert the submissions made by the learned counsel for applicant and in view of no objection extended by complainant concedes to grant of application.

Accordingly, in view of above position and no objection extended by the complainant as well as learned A.P.G. appearing for the State; instant bail application stands allowed. Consequently, interim pre arrest bail already granted to applicants vide Order dated 25.02.2019, is hereby confirmed on same terms and conditions.

JUDGE

Ansari/\*