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

Crl. Bail Appln. No. S- 93 of 2017.

Date of hearing	Order with signature of Judge
08.11.2017.	

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

Mr. Mazhar Ali Bhutto, Advocate for applicant.
Mrs. Rubina Dhamrah, ADPP.
Complainant is present in person.
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**Muhammad Saleem Jessar, J:** Trough this application, applicant Latif Joyo seek his admission to post arrest bail in Crime No.29/2015 registered at P.S Ratodero (District Larkana), for offences punishable under Sections 302, 34 P.P.C.

The allegation against applicant Latif Joyo as per F.I.R lodged by complainant Gada Hussain on 18.02.2015 is that he was accompanying principal accused Lalo, who is alleged to have fired from his repeater (gun) at Mst. Uzma (the sister of complainant), whereby committing her murder.

Learned counsel mainly, contended that the complainant has not disclosed any motive for the incident; that no any active role of making fire etc. is assigned to applicant, however only his presence has been shown at spot with principal accused Lalo (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 and that the applicant is in jail since date of his arrest i.e. 22.02.2015.

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Learned ADPP did not controvert submissions of the learned counsel for applicant; however she half heartedly opposed the bail application.

Perusal of F.I.R shows that, it is silent about motive of the alleged incident. It was co-accused Lalu who is alleged to have fired at deceased Mst. Uzma resulting into her death. No active role 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, the applicant is behind bars since 22.02.2015.

In view of above circumstances, the applicant has been able to make out a case for bail in his favor. Accordingly, instant bail application is allowed. Applicant is admitted to bail his upon furnishing a solvent surety in the sum of Rs.100,000/- (One hundred thousand rupees) and P.R bond in the like amount to the satisfaction of trial Court.

JUDGE  
11-17

Ansari/\*