

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Bail Application No.S-434 of 2024.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on O/objection at flag-A.
- 2. For hearing of bail application.

Date of hearing **12.08.2024.**

Mr. Achar Khan Gabole, Advocate for
applicants/accused.

Syed Sardar Ali Shah DPG for State.

ORDER

Mr. Mehboob Ali Ujjan, files power on behalf of complainant
whereas learned counsel for applicant file true translation of the FIR,
taken on record.

In this bail application applicant seeks Pre-arrest bail required in
Crime No.109/2024 registered at Police Station, Tharushah for offence
under Sections 302, 324, 311, 337H(ii), 109, 504 PPC.

According to the FIR complainant stated that her son Mir
Muhammad Sheenu eloped with the sister of co-accused Mumtaz but
returned the girl after holding faisla to accused party remained annoyed.
On 10.06.2023 at night time four accused persons entered into the
house of complainant and committed the murder of son and injured
daughter-in-law of complainant. The accused then fled away while
abusing and complainant after admitting her daughter-in law and
funeral right of her son appeared at Police Station and lodged FIR
wherein alleged that on the conspiracy of present applicant/accused the
accused persons murder her son and caused injuries to her daughter-in-
law.

Learned counsel for applicant after going through the contents of FIR specifically states that the role assigned to the present applicant at best can be attributed to that of conspiracy in respect of which no material has come forward. He further contends that the presence of the applicant is admittedly not available at the spot and *malafides* of roping in are always present.

Learned counsel for the complainant, however, contends that the applicant was required to exercise his social status and standing ensuring that such an adverse was not taken place but he has failed in this regard. Learned counsel also contends that the Faisla having been rendered by him his protection had to be there for the accused to have acted as brought-up in the FIR committing the heinous crime.

Learned Additional Prosecutor General, however, contends that the Faisla has not been produced and the presence of the applicant at the spot is highly doubtful.

Having heard the learned counsels and gone through the record. Undoubtedly, the crime is of heinous nature, however, this Court is required to look into the circumstances whereby it can be ascertained as to the involvement of the applicant and in the present case the applicant is not even alleged to be present at the incident. The record shows that at present the applicant can be considered for an alleged conspiracy in respect of which the opportunity of trial has to be provided to him and in said circumstances where the humiliation and harassment is apparent for unavailable harassed at the stage of applicant the present application is found liable to be entertained. Accordingly, order dated 01.07.2024 stands confirmed and bail application stands allowed in the said terms.

The SHO show-caused on the earlier date has submitted his reply and the service having been effected the purpose being served the said show-cause stands withdrawn.

Needless to mention here that observations made herein above are tentative in nature and trial Court may not be influenced of the same and decide the case on its merits.

Bail application stands allowed and disposed of in the above terms.

J U D G E

Ihsan/PS