

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD**

Cr. B.A. No. S- 1028 of 2017

DATED **ORDER WITH SIGNATURE OF JUDGE**

22.01.2018

For orders on office objection
For hearing

Mr. Ghulam Mustafa Abbasi, advocate for applicant
Mr. Shahid Ahmed Shaikh, DPG

OMAR SIYAL, J.- Applicant Muhammad Siddique seeks post-arrest bail in Crime No. 21 of 2017 registered under Section 302, 504 & 34 P.P.C. at Manjhand police station.

2. Brief facts of the case are that one Allan Khan lodged the aforementioned F.I.R. on 21-7-2017 stating therein that one Shahnawaz Mirwani Khoso and his sons were not on good terms with him. On 16-7-2017 the complainant's son, namely, Shaman left the house to graze their sheep in the morning. Later in the day, the complainant along with a relative named Sher Khan went to give his son his lunch. At about 1530 hours when they reached near the place where his son was grazing sheep, he saw Shahnawaz (holding an iron rod), the Applicant (holding a hatchet), Mumtaz (holding a cudgel) and Dildar Ali (holding a hatchet), appear on the scene and abuse the complainant's son. When the complainant intervened, Shahnawaz hit his son with the iron rod he held, whereas, Mumtaz hit his son with the cudgel he carried. The accused then left the scene and Shaman died subsequently on 20-7-2017.

3. I have heard the learned counsel for the Applicant and the learned DPG and have also perused the record with their able assistance. The complainant remained absent despite notice. My observations are as follows.

- i. Mere presence on the scene of incident is assigned to the Applicant. Whether he shared a common intention with the remaining accused will have to be established after evidence is led.
- ii. There is an admitted enmity between the parties and the accused are all close family members. At this stage throwing the net wide cannot be conclusively ruled out.

iii. In view of the above, the case of the Applicant falls within the ambit of section 497(2) Cr.P.C. and thus one of further enquiry.

4. Above are the reasons for my short order of 22-1-2018 in terms of which the Applicant was admitted to post arrest bail subject to his furnishing a solvent surety in the amount of Rs. 200,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE

karar_hussain /PS*