

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

Cr. B.A. No. S- 924 of 2016

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<b>DATED</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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06.02.2018

For orders on office objection  
For hearing

Mr. Rashid Ali advocate holding brief for Syed Tariq Ahmed Shah,  
advocate for applicant.

Mr. Muzamil Bughio, advocate for complainant

Mr. Shahid Ahmed Shaikh, DPG

**OMAR SIAL, J.**- Applicant Muhammad Khalid Ali has sought pre-arrest bail in Crime No. 97 of 2016 registered at Cantonment police station, Hyderabad under Section 147, 148, 149, 302, 337-H(ii) PPC. Earlier, his bail application was turned down by the learned 1<sup>st</sup> Additional Sessions Judge, Hyderabad on 21.10.2016.

2. The story narrated in the abovementioned F.I.R lodged by complainant Muhammad Yamin on 29.8.2016, is that his brother-in-law Zaheer Ahmed after maltreatment had ousted his sister, hence they registered FIR against him at police station Balida and in counter Zaheer Ahmed also got registered a false FIR against them but thereafter Zaheer and his brothers were extending threats to them. On 29.08.2016 complainant along with his brothers Juma Khan, Nadeem, Yaseen and nephew Yasir went to court to attend the proceedings when at about 01:05 p.m. they reached in front the gate of Sessions Court, they saw black colour Honda Civic Car out of which applicant along with his companions duly armed with pistols alighted. Co-accused Jameel made straight fire which hit his brother Nadeem who fell down, Zaheer, Shakeel and Sagheer fired which hit his brother Jumo. Both the injured died on the spot. Meanwhile police reached there and arrested co-accused Zaheer Ahmed Malik with his pistol while other accused escaped. Hence the above FIR was registered.

3. I have heard the learned counsel for the Applicant, complainant and learned DPG. My observations are as follows.

- i. The present Applicant is assigned with the role of presence. No overt role is assigned. The parties appear to have a history of enmity that has resulted in various criminal proceedings. At the moment ulterior motive and malafide on the part of the complainant cannot be conclusively ruled out.
  - ii. Whether or not the present Applicant was present at the scene of incidence and whether or not he shared a common intention with co-accused is not clear at this stage and vicarious liability of the Applicant will have to be decided after evidence is led.
4. For the above reasons, the interim pre-arrest bail already granted to applicant on 2.11.2016 is confirmed on the same terms and conditions.

JUDGE

karar\_hussain /PS\*