

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Bail Application No.S-270 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
<i>FOR HEARING.</i>	

21.09.2017.

Mr. Shabbir Hussain Umrani, Advocate for applicants.
Mr. Shahid Ahmed Shaikh, D.P.G.
Complainant Gullan S/o Sahib Khan is present.

ORDER

ABDUL MALIK GADDI, J:- Applicants/accused namely *Ghulam Asghar, Aslam and Nadeem alias Ghulam Hussain* are present on interim pre-arrest bail granted to them by this Court vide order dated 14.04.2016. Today, this bail application is fixed for confirmation or otherwise.

2. Precisely the facts of the prosecution case as per FIR are that on 20.07.2015 at 4:00 night hours the complainant and his wife Mst. Shahnaz alongwith their children were sleeping in their house, during the night hours accused namely (1) Alsam S/o Ghulam Rasool Palh, armed with pistol (2) Nadeem @ Ghulam Hussain, armed with Gun (3) Sain Bux holding hatchet and (4) Asghar Khoso, entered in their house and locked them in one room while their daughter Saira, aged about 15 years, was sleeping in another room. The accused went towards the room of Saira and she started crying, then complainant party saw from the window that accused were throttling their daughter, thereafter, the complainant party made Hakkals and cries, on which accused went away alongwith their weapons.

3. Learned Counsel for the applicants/accused contended that the applicants/accused are innocent and they have been falsely implicated in the instant crime; that the alleged story given by the complainant party is fabricated and unbelievable; that the FIR is delayed about three months for which no

satisfactory explanation has been furnished by the complainant side; that no specific role has been assigned against the applicants/accused while as per contents of FIR, the applicants/accused were duly armed with weapons but the same were not used. As per learned Counsel, the complainant saw from the window that accused persons throttling deceased Saira but in the contents of FIR the complainant himself created doubt that the accused persons committed Zina with deceased. It is further contended that the incident took place on 20.07.2015 but on the day of incident applicant/accused Aslam was on duty of quick response force/SRP Baldia Karachi. It has been further stated that according to report under Section 173 Cr.P.C in which it is clearly mentioned that the complainant being father of the deceased Mst.Saira wanted to contract her marriage without her consent or will, therefore, deceased Mst.Saira herself got hanged with babool tree situated in her house and in this respect final medical report has been submitted by the DMS, SIMS Shahdadpur, who declared that the cause of death of Mst.Saira is attempt to hanging, therefore, in such circumstances the case of present applicants/accused requires further inquiry. It is also argued by the learned Counsel that co-accused Sain Bux has been granted post arrest bail by the Trial Court vide order dated 29.04.2017 and the present applicants/accused also having same role as that of co-accused, therefore, according to him, following the rule of consistency the applicants/accused are also entitled to be extended same treatment. Learned Counsel for the applicants/accused has also placed on record the certified true copy of the aforesaid bail order.

4. Learned Deputy Prosecutor General assisted by the complainant present in person, recorded their no objection if bail to the present applicants/accused is granted. It is further stated that the complainant has also filed an affidavit of no objection for grant of bail in favour of the applicants/accused.

5. I have given my anxious thoughts to the contentions raised at the bar and perused the case papers so made available before me. .

6. No doubt the names of the applicants/accused are appearing in the FIR. It also appears that there are general allegations against the applicants/accused for causing murder of Mst.Saira. It has been pointed out by the learned D.P.G that in this matter the evidence of the complainant has already been recorded by the Trial Court in which the complainant Gullan has not implicated any of the applicants/accused in this case. Today, the complainant is also present and submits that the applicants/accused present in Court are not his culprits. In this connection, he has also filed statement alongwith affidavit confirming this fact, which is taken on record. Since co-accused Sain Bux has been granted post arrest bail by the Trial Court almost on the same facts and circumstances as that of the present applicants/accused, therefore, in view of the bail order passed by the learned Trial Judge, these applicants/accused are also entitled for the same treatment by following the rule of consistency, thus, the interim pre-arrest bail already extended in favour of the applicants/accused is hereby confirmed on the same terms and conditions with direction to the applicants/accused to appear before the Trial Court regularly to face their trial. Since the matter pertains to the year 2015, therefore, the Trial Court is directed to proceed with the matter expeditiously with further direction to avoid any un-necessary adjournment to the either side.

7. Needless to mention here that the observations made in this bail order are tentative in nature and shall not in any way affect the merits of the case at the trial.

Bail application stands disposed of.

JUDGE