

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Cr.Bail.Appl.No.S- 1001 of 2018

Date of hearing: 22.01.2019.

Date of order: 22.01.2019.

Mr. Abdul Majeed Magsi, Advocate for applicants.
Ms. Sobia Bhatti, A.P.G. for the State.

ORDER

ZULFIQAR AHMED KHAN, J: Through instant criminal bail application, applicants Abdul Rehman and Ali Nawaz seek post-arrest bail in Crime No.29/2016, registered at Police Station Tando Muhammad Khan, under sections 109, 316, 201, 337J PPC and 3/4 PEHO.

2. Precisely, relevant facts of the case are that on 21.03.2016 about 20/30 people were admitted in Civil Hospital Tando Muhammad Khan having unconscious condition. On inquiry it reflected to the complainant that present applicants/accused alongwith other co-accused persons have sold out the country made liquor / wine at the cattle shed of accused Ali Nawaz Panhwar near his house at Kareemabad Colony at the rate of Rs.100/- and by taking that liquor some persons became serious and about 22 persons were died whose postmortem was also conducted however postmortem of some persons was not allowed by their relatives. Such FIR of the incident was lodged by complainant against the above named accused.

3. At the outset, learned counsel for the applicant, *inter alia*, contends that the applicants are innocent and they have falsely been involved in the case in hand by police; that earlier Criminal Bail Application No.S-1018/2017 was filed before this Court and the same was dismissed as not pressed with direction

to the trial Court to conclude the trial within a period of 05 months but till today not a single witness has been examined; that

4. On the other hand, learned APG and counsel for the complainant contend that this is a case of two murders; role of the applicant is not only of causing injuries to the complainant but also facilitation to other co-accused thereby two persons lost their lives, hence this is not a case of further inquiry. Further contend that examination-in-chief of 06 prosecution witnesses have been recorded by the trial Court but accused by their designed act are not proceeding with the case. Copies of such depositions have been placed on record by learned counsel for the complainant as well diaries, which are taken on record. Counsel for complainant relied upon the cases of **Inayat v. State** (2002 SCMR 129) and **Rehmatullah v. State** (2011 SCMR 1332). Learned APG also contends that admittedly F.I.R. was also registered by the applicant but same was declared as cancelled class and such summary was approved by the concerned Magistrate hence that version cannot be considered in favour of the applicant at this stage.

5. *Prima facie*, applicant is involved in a case wherein two persons have lost their *precious* lives by use of *fire-arms*; it is not case of the applicant

JUDGE

JUDGE

Tufail

