

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

CrI. Bail Application No.S-117 of 2019

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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For hearing of bail application.

Date of hearing                      29.07.2019.

Mr. Achar Khan Gabole advocate for applicant.  
Mr. Khalil Ahmed Maitlo D.P.G.

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By means of this application, applicant/accused who has been booked in Crime No.17/2015 registered at Police Station, Kandhra for offence punishable under Sections 337F(v), 337A(i), 316, 506/2, 504, 114, 34 PPC, seeks post-arrest bail after rejection of his bail application by learned Ist Additional Sessions Judge, Sukkur vide order dated 21.01.2019.

2.                      Precisely, prosecution case is that complainant lodged FIR stating that he has an amount of Rs.42,000/- against one Bhutto @ Mohammad Nawaz S/o Bhawal out of which he gave only Rs.2000/- while remaining amount Rs.40,000/- he promised that he will return the same after six months. It is alleged that on 23.11.2014 complainant his father Nazal and cousin Latif Dino gathered at hotel of Mohammad Bux Samejo where said Bhutto @ Mohammad standing from whom complainant demanded remaining amount on which he annoyed upon complainant party used filthy language and called Munro, Khan and Ali who came with pistols, accused Bhutto @ Mohammad Nawaz instigated them not to spare complainant party, on his instigation accused Munro caused Iron blow to father of complainant Nazal which hit him, accused Bhutto @ Mohammad Nawaz caused fist blow to him which hit on his face, they raised cries which attracted co-villagers thereafter all the accused went away, hence after getting directions from the Court, complainant lodged FIR.

3.                      Learned Counsel for the applicant/accused contends that applicant is innocent and has falsely been implicated in this case by the complainant; that there is general allegation against the

applicant/accused and no specific role is attributed against the applicant; that co-accused Bhutto @ Mohammad Nawaz has already been granted bail and case of present applicant is identical to that of co-accused who has already been granted bail. He further submits trial Court rejected the bail of present applicant only on the premise that he remained fugitive from law though he has no knowledge, he however, prayed for grant of bail. In support of his contentions he has relied upon case of Mitho Pitafi v. The State 2009 SCMR 299.

4. Learned Deputy Prosecutor General appearing for the State conceded to grant of bail to present applicant.

5. Heard learned Counsel for applicant, learned Deputy Prosecutor General for State and perused the record. Admittedly, the name of present applicant appearing in the FIR but no any specific role has been attributed to him. Moreover, the other set of accused, namely, Bhutto @ Mohammad Nawaz who is nominated in the subject crime having same allegation has been granted bail by the learned trial Court and case against the present applicant is identical to that of co-accused who has already been granted bail. Thus, without going into further details, I find that the applicant/accused in the above stated circumstances is eminently entitled to the grant of bail on the rule of consistency. So far as the absconsion of the applicant is concerned in case of Mitho Pitafi v. The State 2009 SCMR 299, the Honourable Supreme Court of Pakistan has granted bail in a case having similar circumstances. Accordingly, bail application is allowed. Applicant/accused Khan S/o Bahawal is granted post-arrest bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two lacs) and PR bond in the like amount to the satisfaction of the trial Court.

6. Needless to say, the observations made here-in-above are tentative in nature and only for the purpose of this bail application. Nothing herein shall affect the determination of the facts at the trial or influence the Trial Court in reaching its decision on merits of the case.

Bail application stands disposed of.

**J U D G E**

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