

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

Criminal Bail Application No.S-283 of 2019

Date of hearing: 29.03.2019.  
Date of order: 29.03.2019.  
Applicants: Rahim Dad @ Shaman, Hassan @ Hasu, Qalander Bux and Sanwal through Mr.Muhammad Sachal R. Awan, advocate.  
Respondent: The State through Mr. Shahid Ahmed Shaikh, Deputy Prosecutor General, Sindh.

**ORDER**

**Fahim Ahmed Siddiqui, J:** - This order will dispose of instant bail application filed on behalf of the applicants named above, who are facing trial in Crime No.170 / 2017 of PS Jamshoro registered under section 302 PPC.

2. The allegations against the applicants have not been transpired in the FIR lodged by the police on information received through one Zafarullah but the same have subsequently appeared in the final report.

3. Heard arguments. The learned counsel for the applicants has pressed the instant bail application in his arguments while learned D.P.G. has recorded no objection. In view of the arguments and going through the case file, I have observed that;

- (a) The FIR is silent regarding any allegation levelled against the applicants and main culprit in the FIR is one Allah Dad son of Sanwal @ Sawan.
- (b) As per FIR the main accused Allah Dad has firstly fired upon one Muhammad Hassan, who is allegedly

paramour of his sister Mst. Shahnaz w/o Rajab [another deceased of this case].

- (c) After firing upon Muhammad Hassan, the same main accused strangulated his sister Mst. Shahnaz who and the injured Muhammad Hassan has also lost his life in the hospital.
- (d) The names of the applicants have subsequently appeared in the challan on the basis of 161 Cr.P.C. statement recorded by one Zafarullah who is caste-fellow of deceased Muhammad Hassan.
- (e) It is pertinent to mention here that during investigation no 164 Cr.P.C. statement of Muhammad Hassan has been recorded and in absence of 164 Cr.P.C. statement solely 161 Cr.P.C. statement may not be relied upon especially when no other connecting evidence has been collected by the Investigating Officer during investigation.
- (f) Apparently the names of the present applicants are given in the instant case through a statement under section 161 Cr.P.C. of a person who is the relative / caste-fellow of deceased Muhammad Hassan due to heart burning on account of the murder of deceased Muhammad Hassan, who was allegedly murdered by the main accused Allah Dad.
- (g) No incriminating material has been collected from the present applicants as well as no other piece of evidence even allegation of instigation is available on record against the applicants.

4. In these circumstances, I am of the view that a case for bail has been made out, as such, the applicants are admitted to bail subject to furnishing the surety of Rs.1,00,000.00 [Rupees one

hundred thousand] each and PR bond in the like amount to the satisfaction of the trial Court.

5. Before parting, I would like to make it clear that if all or any of the applicants misuse the benefit of bail in any manner, then the trial Court is fully authorised to take every action against such applicant(s) and his/their surety including cancellation of bail without making a reference to this Court.

JUDGE

\*Abdullah Channa/PS\*  
Hyderabad.  
Dated 29.03.2019