

**IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR**

Present:

Fahim Ahmed Siddiqui and
Yousuf Ali Sayeed, JJ

Criminal Bail Application No. D-06 of 2021

Applicant : Lal Gul, through Irshad
Hussain Dharejo, Advocate.

Respondent : The State, through Aftab Ahmed
Shar, APG.

Date of hearing : 09.02.2021

JUDGMENT

YOUSUF ALI SAYEED, J. - Vide this Application under Section 497 Cr. P.C, the Applicant, Lal Gul son of Ghulam Akbar, seeks post arrest bail in respect of Crime No. 32/2020, registered at Police Station, Sorah, District Khairpur (the "**FIR**") at the behest of one Mst. Nazeeran (the "**Complainant**") at 4 PM on 17.02.2014, in relation to an incident said to have occurred 10 AM, earlier that day.

2. In terms of the FIR, the Applicant stands accused of being part of an unlawful assembly numbering 50 strong, armed with various species of weaponry, ranging from hatchets and lathis to pistol and assault rifles, from amongst whom, as many as 29 persons were apparently known to the Complainant in as much as they were identified by her by name and parentage, with the others said to be unknown yet identifiable if seen again.

3. The Applicant was named as one of the persons forming part of that assemblage, and whilst a broad allegation was made as to threats, aerial firing and arson, the Applicant was not one of those specifically identified as having caused harm to person or damage to property.
4. Counsel for the Applicant submitted that he had been falsely implicated in the case due to political rivalry/enmity as he and the other accused persons were affiliated to a different political party from the Complainant. He submitted that the FIR disclosed an exaggerated and unbelievable story designed to falsely implicate a large group of persons, and pointed out that the majority from within that group were on interim pre-arrest bail granted by the learned trial Court and pre-arrest bail granted to the alleged mastermind of the attack, albeit not placed at the scene, had also been confirmed by a learned Division Bench of this Court on 20.12.2017 in Criminal Bail Application No. 585 of 2014.
5. Other than stating that the Applicant had been named in the FIR, the learned APG did not disclose any incriminating recovery from the Applicant or other compelling reason as to why the concession of bail ought not to be extended. Despite issuance of notice, the Complainant did not come forward.
6. At this stage, we would consciously refrain from embarking on a dissection of the events narrated in the FIR, lest any observation prejudice the course of the trial. However, suffice it to say that under the given circumstances, as the matter has already been challaned and the Applicant is no longer required for the purpose of investigation, and as the question of his depicted presence at the scene and guilt or innocence remain to be determined at trial, we are of the view that a case for the grant of bail stands made out.

7. Accordingly, through a short order made in open Court on 09.02.2021 upon culmination of the hearing, we had allowed the Application and admitted the Applicant to bail subject to furnishing of solvent surety in the sum of Rs.50,000/- and execution of a P.R. Bond in the like amount to the satisfaction of the trial Court.

JUDGE

JUDGE

Karachi
Dated _____