

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

Criminal Bail Application No.S-744 of 2021

Applicant : Munawar Ali Son of Masaud Ali Laghari, through Mr. Ahsan Gul Dahri, Advocate.

Respondent : The State through Ms. Rameshan Oad, Assistant Prosecutor General, Sindh.

Complainant : Asad Raza Son of Akbar Ali alias Akkan through Mr. Intiaz Ali Abbasi Advocate.

Date of hearing : 25.11.2021  
Date of Order : 25.11.2021

**O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant bail application, the applicant/accused above named seeks his post-arrest bail in Crime No.52 of 2021, under section 302, 109, 147, 148 and 149 P.P.C, registered at P.S Hatari District Hyderabad, after his bail plea was declined by the learned Model Criminal Trial Court-I Hyderabad vide order dated 24.06.2021.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Per learned counsel the applicant/accused is innocent and he was not present at the place of incident being a teacher he was busy in school. He further contended that the complainant has admitted enmity between the parties over murder assault. He also contended that there is general allegation against the applicant/accused and it is yet to be determined when the evidence will be record who has given fatal blows to the deceased persons. He further contended that nothing was recovered from the possession of the applicant/accused. Lastly, he prayed for grant of bail to the applicant/accused. In support of his contentions, he relied upon the cases of *Abid Ali alias Ali Vs. The State [2011 SCMR 161]*, *Nawaz Ali Jatt and another Vs. The State [2020 P Cr. L J Note 89]*, *Ahmad Jan Vs. The State and 5 others [2014 MLD 410]*, and *Zubair and another Vs. The State and another [2017 P Cr. L J Note 164]*.

4. On the other hand, learned counsel for the complainant as well as Assistant Prosecutor General, Sindh vehemently opposed for grant of bail to the applicant/accused by submitting that all accused with common intention and common

object knowingly that the deceased persons after appearing in the High Court in some case were coming to village, as such, accused came in a vehicle and motorcycle by overtaking committed double murder of complainant party. Learned Assistant Prosecutor General, Sindh also submits that from the place of incident 18 bullets were secured by the police.

5. I have heard learned counsel for the applicant as well as Assistant Prosecutor General, Sindh and counsel for the complainant having also gone through the material available on record.

6. From perusal of record it reflects that on the day of incident five accused persons boarded in a Car and two on a motorcycle who after overtaking the deceased persons stopped them and thereafter they have made straight fires upon them resultantly two persons namely Ali Akbar and Ghulam Hyder lost their lives. Eyewitnesses namely Arshad Ali and Ghulam Rasool in their 161 Cr.P.C statements have fully supported the version of the complainant. Furthermore the ocular version finds support from the medical evidence. So far the recovery of alleged pistol is concerned that prior to this the applicant/accused filed a pre-arrest bail and after dismissal of the same, he was taken into custody and remanded back to custody, as such, nothing was recovered from his possession thereafter he has repeated the bail application under section 497 Cr.P.C same is not helpful for the accused. At bail stage only tentative assessment is to be made. Sufficient material is available on the record which connects the applicant/accused with the alleged offence and no case for grant of bail is made out; resultantly instant bail application is dismissed.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.