

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Crl. Bail Application No.202 of 2022

Crl. Bail Application No.208 of 2022

Date Order with Signature(s) of Judge(s)

For hearing of bail applications.

12.04.2022

Mr. Mansoor Ahmed Truk, advocate for Applicant in
Crl. Bail Application No.202/2022

Mr. Aftab Ahmed Memon, advocate for applicant in
Crl. Bail Application No.208/2022

M/s. Liaquat Ali Jumari & Aijaz Ahmed Memon,
advocate for complainant.

Ms. Rahat Ehsan Addl. P.G. for the State.

ORDER

ZAFAR AHMED RAJPUT, J:- By this common order I intend to dispose of above mentioned both Crl. Bail Applications as the same being arisen out of a same Crime/F.I.R. bearing No.19/2021, registered under sections 302, 114 & 34, P.P.C. at P.S. Mirpur Sakro, Dist. Thatta, have been heard together.

2. By means of Crl. Bail Application No.202/2022 applicant/ accused Lal Muhammad @ Lal Bux s/o Anwer Mallah and through Crl. Bail Application No.208/2022 applicant/accused Abdul Aleem @ Uquaili s/o Wali Muhammad Kodan seek post-arrest bail in aforesaid Crime/F.I.R.

3. It is alleged that, on 11.03.2021 at 0800 hours, on Nang Wah Bridge Mirpur Sakro town, the applicants in furtherance of their common intention and at the instigation of co-accused Abdul Ghani, committed *qatl-amd* of Allah Bux, the father of the complainant Abdul Karim, by causing hatchet blows, for that they were booked in the aforesaid F.I.R. The motive behind alleged murder, as stated in the F.I.R.,

is dispute of the complainant party with Koda community over making tiktok video of complainant's brother, namely, Bilawal.

4. After hearing the learned counsel for the applicants, complainant, Addl. P.G and perusing the material available with the prosecution, it appears that on the fateful day the deceased parked his car before his shop in Qureshi Markt where his son/complainant and his two relatives, namely, Azeem and Hakim were already present, then the deceased proceeded towards Nang Wah Bridge, where on the instigation of co-accused Abdul Ghani, both the applicants caused one/one hatchet blow on the head of the deceased. The complainant raised cries in that the applicants ran away. The deceased was taken to Shaikh Zaid Hospital, Mirpur Sakro for treatment and then to Jinnah Hospital, Karachi, where he died on next day i.e. 12.03.2021 at 0210 hours.

5. It is not specifically mentioned in the F.I.R. that when the deceased was proceeding towards Nang Wah Bridge, the complainant and his aforesaid two relatives were accompanied by him. F.I.R. is also not suggestive if the complainant and his relatives offered any resistance to protect the deceased from the attack of the applicants and admittedly none of them has received any injury from the hands of the applicants. As per mashirnama of injury, MLC and postmortem report, the deceased received only one injury lacerated wound on his head and the same was the cause of his death; hence, the only hatchet injury received by the said deceased stood attributed to two accused persons i.e. present applicants. This also *Prima facie*, indicates that the medical evidence available on the record may not be supporting the case of the prosecution vis-à-vis role played by the applicants. In similar circumstances, the Apex Court in the cases of *Muhammad Ramzan v. The State and others* (2016 SCMR 2046), *Soba Khan v. The State and others* (2016 SCMR 1325) and *Saeed Khan v. The State and others* (2011 SCMR

1392) has allowed bail to accused persons while observing, *inter alia*, that such factor is sufficient to put caution regarding veracity of allegations leveled by the complainant party against accused and the case against the accused called for further inquiry into his guilt. The applicants were arrested in the case on the same day of lodging F.I.R. i.e.12.03.2021 and there is no substantial progress in their trial so far.

6. For the foregoing facts and reasons, I have found the case against the applicants to be a case calling further inquiry into their guilt as envisaged under sub-section (2) of section 497, Cr.P.C; hence, instant applications are allowed. Consequently, the applicants are admitted to post-arrest bail subject to furnishing by them solvent surety in the sum of Rs.200,000/- (*Rupees Two Hundred Thousand only*) each, and P.R. Bond in the like amount to the satisfaction of the trial Court.

7. Needless to mention here that in case applicant(s) misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel his bail after issuing him requisite notice as per rules.

Both the listed Crl. Bail Applications stand disposed of.

JUDGE