

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No. S – 23 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of bail application

02.03.2020

Mr. Zulfiqar Ali Panhwar Advocate for the Applicant
Mr. Muhammad Qayoom Arain Advocate for complainant
Mr. Aftab Ahmed Shar, Additional PG for the State

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Through instant bail application, the applicant/accused Muhammad Ramzan Solangi has sought post-arrest bail in Crime No.07/2019 registered at Police Station Kamaldero, district Naushahro Feroze, for an offence under Sections 302, 506/2, 337-H(2), 147, 148, 149 PPC.

2. Learned counsel submits that the applicant is innocent and he has been falsely implicated in this case by the complainant due to enmity which is admitted in the FIR; that prior to this , the co-accused namely Jaro Khan has registered the FIR No.156/2018 under Sections 302, 149 PPC at Police Station Tharushah against the present complainant and others; that the injury attributed to the applicant is not appearing in the medical certificate, infact deceased Ghulam Hyder received injury from front side and the wound of exit has been treated as wound of entry, which has been clarified by the medical officer; that there is conflict in the ocular as well as medical evidence, therefore, the applicant has made out a case for further enquiry. He lastly prayed that the applicant/accused may be granted post-arrest bail. Learned counsel in support of his contentions has relied upon the cases of ***Syed Khalid Hussain Shah vs. The State and another (2014 SCMR 12) and Awalkhan and 7 others vs. The State through AG-KPK and another (2017 SCMR 538)***.

3. Learned DPG for State as well as learned counsel for the complainant prayed for dismissal of the instant bail application, on the ground that although there is conflict in the medical and ocular account, but the offence with which the present applicant has been charged entails capital punishment and he is also vicariously liable for the offence.

4. I have heard the learned counsel for the applicant/accused, learned Additional PG for the State so also learned counsel for the complainant and have perused the record. Admittedly, there is murderous enmity going on between the applicant and the complainant party and such criminal cases have been registered against each other which are pending trial. The allegation against the present applicant is that he fired upon deceased Ghulam Hyder which hit on his back side and exited from front side, but as per medical certificate no wound of exit was noted by the Medical officer, hence there is conflict in the ocular and the medical evidence. I am fortified by the case law referred (supra) by learned counsel for the applicant. The case has been challaned and the applicant is no more required for further inquiry. In view of the above circumstances, the applicant/accused has made-out a case for grant of bail, resultantly the applicant/accused is granted bail subject to his furnishing a solvent surety in the sum of Rs.200,000/- (Two hundred thousand) with P.R bond in the like amount to the satisfaction of trial Court. If the applicant misused the concession of bail, the trial Court would be at liberty to take action against the surety. The above observations are tentative in nature and will not affect the case of either party at the time of trial.

Judge