

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr.Bail application No. 957 of 2011

Sharafuddin @ Sharfoo
S/O Rahib, by caste Mashori,
Now confined at CP-II,
Sukkur. Applicant

VERSUS

The State Respondent

Offence U/s 324, 353, 147,
148, 149 PPC.
7-ATA.
Cr.No.132/2011 PS Sarhad.

CRIMINAL BAIL APPLICATION U/S 497 Cr.P.C R/W
SECTION 21-D ATA Act.

ORDER SHEET

THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. B.A No. D-951 of 2011.

1. For orders on MA 7242/11
2. For orders on MA 5056/11
3. For gearing.

28.12.2011.

Mr. Khawand Bux Mahar Adv. for applicant.

Mr. Shyam Lal APG.

1. Urgency application is granted.
2. Exemption application is granted subject to all just exceptions.
- 3&4. Applicant Sharafuddin @ Sharfoo along with others have been booked in Crime No. 132/2011 Police Station Sarhad District Ghotki for offences punishable U/s 324, 353, 147, 148, 149 PPC and 7 ATA.

Facts giving rise to the prosecution case are that on 26.08.2011 at about 1400 hours accused Dhani Bux @ Dhanoo, Gul Muhammad, Nasrullah, Qudratullah and Sharafuddin @ Sharfoo (present applicant) and unidentified persons duly armed with deadly weapons attacked and made assault upon the complainant party when he along with PWS Hakim Ali & Adam were present at near Bus Stop Nao Road. It is specifically mentioned that accused Dhani Bux @ Dhanoo made upon straight fire shots on complainant which hit on lower part of his body. It is inter alia contended that applicant is innocent has nothing to do with alleged incident but he has been falsely implicated by the complainant and no overt act is attributed to the present applicant except his presence. Per learned counsel it was co-accused Dhani Bux @ Dhanoo who caused fire arm injuries to the complainant. It is lastly contended that case of the applicant requires further inquiry as prosecution

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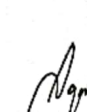
THE HIGH COURT OF SINDH BENCH AT SUKKUR

could not collect sufficient material connecting the applicant with the commission of offence. Conversely Mr. Shyam Lal Ladhani learned APG for the state has opposed the application but could not controvert the contentions raised by learned counsel for the applicant.

Heard learned counsel for the parties. From the contents of FIR it was co-accused Dhani Bux @ Dhanoo who caused fire arm injuries to complainant PC Ahmed Mirbahar only and so far the role of the present applicant is concerned mere his presence and no overt act is attributed to the present applicant. The participation of the present applicant in the alleged occurrence requires further inquiry as prosecution could not collect sufficient material to show his nexus with the alleged incident.

For the foregoing reasons, we are of the view that applicant has successfully ^{made} out his case for grant of bail. Consequently, bail application is allowed. Let applicant shall be released on bail subject to furnishing his solvent surety in the sum of Rs.100,000/- (One lac) and PR bond in the like amount to the satisfaction of trial Court.


JUDGE


JUDGE

Ihsan.