

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.D-32 of 2023

<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
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20.04.2023

Mr. Irfan Ali Khaskheli advocate for applicants.
Mr. Shahzado Saleem Nahiyoon, APG.

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MUHAMMAD IQBAL KALHORO, J.- SIP/SHO PS Jamshoro came to know on 31.03.2023 that Jeay Sindh Student Federation was celebrating day of Sindhu Desh inside Sindh University Jamshoro and in this regard had got pamphlets published. In order to maintain law and order situation, SHO along with his staff came at central canteen Sindh University Jamshoro where at about 2200 hours he spotted 70/75 students with flags of Jeay Sindh came out from the gate of hostel raising slogans for creation of Sindhu Desh, against Pakistan and in favour of GM Syed in order to create hatred amongst the public. As soon as the accused / students saw the police party they lobbed stones towards them smashing glasses of police mobile and injuring PC Allah Bachayo and PC Imran Ali whose injuries have however been opined by Medico Legal Officer as minor and simple in nature. The SHO identified at least nine students whose names are mentioned in FIR. After the incident, SHO came at Police Station and with the permission of high-ups registered FIR against 70/75 students nominating however only nine students as stated above.

2. Applicants are not named in FIR and have been booked in this case only on the statements of police officials present along with SHO at the spot who have disclosed simply that through some unknown source they had come to know that applicants were present in the mob of students. However, after arrest the applicants were not put to identification parade to confirm such information. All the applicants are students of Sindh University and prima facie there is no evidence that they belong to Jeay Sindh Student Federation. The incident is said to have occurred at 2200 hours which is night time. The identification of 70/75 students during night time is question which can only be determined after recording of evidence. Citing these grounds learned counsel for applicants has prayed for bail which has been opposed by learned Additional Prosecutor General Sindh who has not controverted the above facts.

3. We are of the view that case against applicants in view of foregone discussion requires further inquiry and their presence at the spot and their affiliation with Jeay Sindh Student Federation can only be determined after recording of evidence. At this stage prima facie there is no sufficient evidence against them connecting them with the alleged offence. Accordingly, this application is allowed and the applicants are granted bail subject to furnishing a solvent surety in the sum of Rs.25,000/- each and PR Bond in the same amount to be executed by them to the satisfaction of Additional Registrar of this Court.

4. The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE
JUDGE

Ali Haider