

**Order Sheet**  
**IN THE HIGH COURT OF SINDH,**  
**BENCH AT SUKKUR**

Crl. Bail Application No.S- 561 of 2023  
(*Allah Rakhyo @ Rakhyo Kharose v. The State*)

Date of hearing	Order with signature of Judge.
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- 1.For order son office objections.
- 2.For Hearing of Bail Application

Mr. Faiz Muhammad Brohi, Advocate along with applicant.  
Syed Sardar Ali Shah, Additional P.G along with I.O/SIP Ain-ul-Haque  
and complainant ASI Hub Ali of P.S, Airport Sukkur.

Date of Hearing & Order: **27-10-2023**

**ORDER**

**MUHAMMAD IQBAL KALHORU, J.-** Complainant ASI Hub Ali, posted at P.S, Airport-Sukkur during patrolling with his team received a spy information that one Mst. Sughran resident of village Machi Kharose had been declared Kari and was about to be killed on such allegation near Bachao Bund Deputy Bagh by certain accused, named in FIR including present applicant. On such information, he reached the pointed place near Bachao Bund Deputy Bagh, where he saw applicant Allah Rakhyo armed with a pistol accompanied by two unknown accused, who were forcibly dragging Mst. Sughran. Seeing the police party, they fired at Mst. Sughran and murdered her. Police called them out, but they made their escape good. Then the police came over Mst. Sughran and found her critically injured by firearm injuries on different parts of her body and then died. They brought the dead body at Civil Hospital for postmortem and subsequently appeared at P.S and registered FIR.

2. After registration of FIR, investigation was entrusted to an independent police official who visited the place of incident, recorded statements and on the basis of evidence, submitted Challan against the applicant.

3. Learned counsel in defence has argued that the applicant has a dispute with the people of his own community by caste Kharose, who killed Mst. Sughran and have made applicant as an accused in this case. He further submits that I.O had recorded statements of independent persons, namely, Dilshad and Janib who testified that applicant's presence somewhere else and not at the spot, hence applicant is entitled to concession of pre-arrest bail.

4. Learned Additional P.G has opposed bail and has relied upon case of *Allah Dewayo Shahani v. The State through Prosecutor General, Sindh (2023 SCMR 1724)* to emphasize that plea of alibi cannot be considered at this stage. I.O and complainant both are present. I.O submits that in the investigation, he found applicant involved in the alleged offence and submits that the defence witnesses were not worthy of credence, as they had belatedly appeared before the police and could not submit any proof of absence of applicant at the spot.

5. I have considered submissions of parties and material available on record. The defence proposed by learned counsel for the applicant that Mst. Sughran was done away by enemies of the applicant and they put blame upon the applicant is far-fetched and does not inspire confidence. On the other hand, complainant is a police official with no enmity with the applicant to falsely implicate him in a case carrying capital punishment. The investigation has been conducted by a senior police official, who too has found the applicant involved in the case. According to I.O, other members of the police team have also supported the allegation against the applicant that he had fired upon Mst. Sughran. Medical evidence also confirms allegation against the applicant that Mst. Sughran had died out of firearm injuries. In view of direct evidence confirmed by the I.O and medical evidence, no case for extraordinary pre-arrest is made out in favour of the applicant. Needless to urge that concession of pre-arrest bail being extraordinary in nature is only to save innocent persons from arrest in non-bailable offence, otherwise requirement of law, in which he has been falsely implicated.

6. Accordingly, this bail application is **dismissed** and the interim pre-arrest bail earlier granted to the applicant by this Court is hereby recalled. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

This bail application is **disposed** of accordingly.

**JUDGE**

Ahmad