

**HIGH COURT OF SINDH, CIRCUIT COURT
AT HYDERABAD**

**Cr. Bail Application No.S-847of 2023
[Anwar versus The State]**

Applicant : Through Mian Taj Muhammad Keerio advocate
Complainant: Through Mr. Muhammad Nawaz Jamali advocate
State : Through Ms. Sana Memon, Assistant P.G
a/w IO ASI Pir Bux of P.S Kario Ganhwar
Date of hearing: 20.11.2023
Date of decision: 20.11.2023

ORDER

MUHAMMAD KARIM KHAN AGHA J.- Applicant has been booked in Crime No.34 of 2023 registered at P.S Kario Ganhwar under Sections 397, 324, 342, 337-F(vi), 412, 506(2), 337-H(ii), 447, 109 and 35 PPC. He had applied for post-arrest bail before learned trial Court/IInd Additional Sessions Judge Badin, however, it was declined vide Order dated 20.07.2023 hence he has approached this Court for post-arrest bail.

2. Brief facts of the case, as per FIR, are that on 01.04.2023 applicant alongwith co-accused came at the lands of complainant party and following a long dispute over the land applicant party fired at Mst. Najma and caused her injury. The applicant party, as per FIR, also robbed cash and mobile phones from the complainant party

3. I have heard the learned counsel for the applicant, who prayed for grant of post-arrest bail, as well as learned counsel for the complainant as well as learned Assistant Prosecutor General, who opposed the bail on the ground that Section 337-F(vi) carries punishment upto seven years whereas Section 397 carries punishment not less than seven years, hence both these sections are non-bailable.

4. No doubt in the FIR applicant has been given a specific role of firing upon Mst. Najma, whereas co-accused have not been given any specific role rather they have been assigned only a general role, however, it is noted that it has not been alleged that it was only the applicant, who allegedly robbed the complainant party rather it was alleged against all the co-accused, who have been granted bail.

Applicant is in custody since 05 months, however, still charge has not been framed for which there is no fault on his part. It seems that there is some dispute between the parties and no recovery in respect of alleged robbery has been made.

5. In view of the above discussion, applicant has made out a case of further inquiry. Accordingly he is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.5,00,000/- and a P.R Bond in the like amount to the satisfaction of learned trial Court.

6. Needless to mention here that observations made hereinabove are tentative in nature and the same will not prejudice the case of either party at trial.

7. Captioned bail application stands disposed of accordingly.

JUDGE

Sajjad Ali Jessar