

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 595 of 2023

Date of hearing	Order with signature of Judge
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1. For order on office objections at Flag-A
2. For hearing of bail application

24.11.2023

Mr. Amanullah G. Malik, Advocate for applicant.
Complainant's Counsel has chosen to remain absent.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – Complainant has reported on 14.10.2022, an incident which occurred on 12.10.2022 near his house in Deh Ulra Jagir, Chak No.3 within remit of Police Station Narejo, District Khairpur, in which applicant along with other eight accused, duly armed with deadly weapons, attacked the complainant party and killed complainant's brother Naseem Ahmed and injured his other brother Muhammad Ayaz. The role attributed to applicant however is that he was present with a rifle, and while leaving, had fired in air.

2. Learned defence Counsel has pleaded for bail, opposed by learned Additional Prosecutor General on the ground that his name is mentioned in FIR, and from him, recovery of rifle, which has matched with the empties, was effected. Although applicant was present at spot, but no active role has been assigned to him. He did not fire from his rifle either at the injured or deceased. His non-use of weapon on both of them, although it was within his domain and choice, would make his case to be of further enquiry into his vicarious liability. Applicant was arrested on 20.10.2022 and is in jail. Although the charge reportedly is framed, but complainant himself, after committing murder, has absconded. Hence, the chance of conclusion of the trial in near future is dim.

3. Accordingly, therefore, this application is **allowed**, and applicant is **granted** post-arrest bail subject to furnishing a solvent surety in the sum of Rs.2,00,000/- (Rupees two lac) and P.R. bond of the same amount to the satisfaction of the trial Court.

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

The bail application stands **disposed of** in the above terms.

Abdul Basit

J U D G E