

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Bail Application No.S-700 of 2023
(*Rahib Ali Kalhoro Vs. The State*)

1. For Orders on office objection.
2. For hearing of bail application.

ORDER.
04-012-2023.

Mr. Noor Hassan Malik, advocate for the applicant.
Mr. Ajeebullah Junejo, advocate for the complainant.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

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Irshad Ali Shah, J;- It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly in prosecution of its common object fired at complainant Saeed Ali with intention to commit his murder and then went away by insulting and causing *Sariya and lathi* blows to him, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Additional Sessions Judge, Pano Aqil, has sought for the same from this Court by way of instant Bail Application under section 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case by the complainant in order to satisfy with him his dispute over landed property; the FIR has been lodged with delay of about six days and there is counter version of the incident; therefore, applicant is entitled to be released on bail on point of further inquiry.

4. Learned DPG for the State and learned counsel for the complainant have opposed to release of the applicant on bail by

contending that specific role of causing *Sariya blows* to the complainant is attributed to him.

5. Heard arguments and perused the record.

6. Initially the incident was recorded by the police at PS Baiji Sharif in roznamacha under entry No. 08 dated 14-09-2023, it does not contain the name of the applicant; the FIR of the incident has lodged with delay of about six days, disclosing the name of applicant therein, which reflects consultation. The firing allegedly made at the complainant proved to be one ineffective one. There is said to be a counter version of the incident. There is dispute between the parties over landed property. Co-accused Qamar Din, Qaim Din, Mashooq and Mudassir have already been admitted to bail by learned trial Court. The case has finally been challaned and there is no likelihood of absconsion or tempering with the evidence on the part of the applicant. In these circumstances the case for the release of applicant on bail on point of further enquiry is made out.

7. In view of above, the applicant is admitted to bail subject to his furnishing solvent surety in sum of Rs.50,000/- (Fifty thousand) and P.R bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail application is disposed of accordingly.

Judge

