

HIGH COURT OF SINDH, CIRCUIT COURT AT HYDERABAD

Cr. Bail Application No.S-1147 of 2023 [Moazam versus The State]

Date	Order with signature of Judge
Applicant :	Through Mr. Ashique Hussain D. Solangi advocate
Complainant:	Through Mr. Sultan Ahmed Chandio advocate
State :	Through Ms. Sana Memon Assistant P.G Sindh
Date of hearing:	18.12.2023
Date of decision:	18.12.2023

MUHAMMAD KARIM KHAN AGHA J.- Applicant Moazam has been booked in Crime No.119 of 2023 registered at P.S Sehwan under Sections 324, 114, 504, 147, 148, 149, 337-F(i), 452 and 337-H(ii) PPC. He had applied for post arrest bail before learned Additional Sessions Judge Sehwan (trial Court), however, same was declined vide Order dated 28.09.2023, hence he has approached this Court for post-arrest bail.

2. Brief facts of the case as per FIR lodged by complainant Essa are that his nephew Safdar had uploaded a post on social media against Irfan Bhutto accusing him of taking money from deserving persons which led Irfan Bhutto to issue threats to Safdar; on 14.07.2023 five persons from accused party, all armed with various weapons, came to the village of complainant party and attacked upon the complainant party.

3. I have heard the learned counsel for the applicant, learned A.P.G as well as learned counsel for the complainant and have perused the record.

4. It is true that FIR was lodged on the same day and specific role has been attributed to present applicant and the applicant has not denied this fact, however, he stressed that his role is separate from the role of main accused Irfan Bhutto, who made direct fire upon Safdar which led to him being seriously injured and that he had only caused danda blows to Abdul Sattar and Mst. Naima, hence it appears that he came without intention of murdering of anybody. It is noted that the offences, for which the applicant has been charged, are bailable and as a general rule and in such like cases bail is to be granted unless exceptional circumstances exist. During course of arguments learned A.P.G has conceded that no any exceptional circumstance is existing in present case, learned counsel for

the complainant however argued that role of present applicant comes within the ambit of Section 149 PPC. In my view applicability of Section 149 PPC against present applicant is to be decided by the learned trial Court after appreciation of evidence and at this bail stage the case of present applicant requires further inquiry. It is also noted that applicant is behind the bar since last six months and still charge has not yet been framed by the learned trial Court.

5. In view of above discussion, applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.1,00,000/- and 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 will not prejudice the case of either party at trial.

7. Captioned bail application stands disposed of accordingly.

JUDGE

Sajjad Ali Jessar