

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Bail Application No. S- 849 of 2023
(*Qabool Rajper Vs. The State*)

1. For Orders on office objection.
2. For Orders on MA No. 7210/2023 (Ex./ A)
3. For hearing of Bail Application

22-01-2024.

Mr. Irshad Hussain Dharejo, advocate for the applicant.
Mr. Allah Warayo Soomro, advocate for the complainant.
Mr. Shafi Muhammad Mahar, DPG PG for the State.

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It is alleged by the prosecution that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object, besides committing murder of Suhrab and Muharram by causing them fire shot injuries also caused fire shot and lathi injuries to complainant Shah Bux, PWs Muhammad Ramzan, Moula Bux, Waryam, Kamal, Jamal, Imdad and Urs with intention to commit their murder and then went away by making aerial firing to create harassment, for that the present case was registered.

The applicant on having been refused post-arrest bail by learned IInd Additional Sessions Judge, Khairpur has sought for the same from this Court by way of instant bail applications under section 497 Cr.P.C.

It is contended by learned counsel for the applicant that no active role in commission of incident is attributed to the applicant, who even otherwise is in custody since three years; therefore is

entitled to be released on bail on point of hardship and further inquiry, which is opposed by learned DPG for the State and learned counsel for the complainant by contending that he has facilitated the commission of incident and on arrest from his has been secured the gun, which he was having at the time of incident.

Heard arguments and perused record.

The FIR of the incident has been lodged with delay of about two days. The role attributed to the applicant is only to the extent of his presence and/or making aerial firing; therefore the sharing of common intention in commission of incident on his part obviously would call for its determination at trial. The applicant is said to be in custody since three years. In these circumstances a case for release of the applicant on bail on point of further inquiry obviously is made out.

In view of above the applicant is admitted to bail subject to his furnishing solvent surety in sum of Rs.200,000/- (Two lac) and P.R bond in the like amount to the satisfaction of learned trial Court.

The instant bail application is disposed of accordingly together with listed application.

Judge