

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
Criminal Bail Application No.S-322 of 2023

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Date	Order with signature of Judge
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For hearing of Bail application

Date of hearing: **14.06.2023**

Mr. Ali Gohar Shar, Advocate for the Applicant  
Complainant present in person  
Mr.Khalil Ahmed Maitlo Prosecutor General, Sindh

**ORDER**

**Amjad Ali Bohio, J:-** After the dismissal of his Criminal Bail Application No. 1283/2023 by the Court of Additional Sessions, the applicant, Naveed Ali Jagirani, Judge-II, Khairpur, through an order dated 13.05.2023, has filed an immediate bail application in Crime No.02/2023, pertaining to offenses under sections 397 and 337-D of the Pakistan Penal Code. The case is registered at the Wada Machiyoon Police Station.

2. On 31.1.2023 at 1600 hours, Abdul Qayoom, the complainant and son of Abdul Qadir, lodged an FIR stating therein that on 29.01.2023, at approximately 2030 hours, Abdul Qayoom, along with Abdul Sallam, his cousin's son, and Mazhar Hussain, his sister's son, were returning to their village on a motorcycle from Khairpur city. While they were passing by Jhalu-ji on the link road connecting Khairpur to Wada Machhyoon, they noticed two individuals with uncovered faces whom they could identify. In an attempt to stop them, the culprits fired at them, causing Abdul Sallam to fall to the ground. The commotion attracted nearby people, prompting the culprits to flee. The injured Abdul Sallam was subsequently taken to the Civil Hospital in Khairpur. Following these events, the complainant lodged the aforementioned FIR against unidentified culprits.

3. During the investigation conducted after the registration of the FIR, an additional statement from the complainant was recorded, as per the available police papers. However, the date of recording for this statement is not specified. In this statement, the complainant implicated the present applicant and one Ali Jan, son of Ghulam Nabi, as the culprits involved in the aforementioned offense.

4. I have listened to the arguments presented by the counsel for the applicant, the learned Deputy Prosecutor General (DPG) representing the State, and thoroughly examined the police papers.

5. The learned DPG, upon reviewing the police papers, acknowledges that the date of recording the complainant's additional statement is not evident from either the statement itself or the police diaries. Furthermore, the learned DPG revealed that the complainant simply stated that he received "correct news" regarding the involvement of the accused individuals mentioned above, but no specific source of such information was provided by the complainant in his further statement.

6. It is worth noting that the only evidence implicating the applicant/accused in this case is the additional statement provided by the complainant, Abdul Qayoom. However, it is admitted that he did not disclose the source from which he obtained the information regarding the present applicant/accused among the two culprits. Therefore, without the disclosure of the source of this evidence, the case against the applicant/accused remains subject to further investigation. In such circumstances, the applicant/accused deserves the opportunity for bail, particularly considering that the investigation has been completed and the report under Section 173 of the Criminal Procedure Code (Cr.P.C) has also been submitted to the Court.

7. As per the decision, the bail plea is granted, and the applicant, Naveed Ali, son of Darya Khan Jagirani, will be released on bail. However, this release is subject to the condition of providing a solvent surety amounting to Rs. 100,000/- (Rupees One Hundred Thousand) and a Personal Recognizance (P.R) bond of the same amount, to the satisfaction of the trial court. It is important to note that the observations mentioned above are tentative and do not intend to prejudice the case of either party during the trial proceedings.

JUDGE