

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Crl. Bail Application No.S- 542 of 2023

Date of hearing	Order with signature of Judge.
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- 1.For orders on office objections
- 2.For hearing of Bail Application

15-09-2023

Mr. Faiz Muhammad Brohi, Advocate along with applicants.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.
Mr. Abdul Bari Panhwer, Advocate files power on behalf of complainant.

ORDER

MUHAMMAD IQBAL KALHORO, I.- There was a dispute between the parties over sitting of complainant's son Naveed in the street. Allegedly, applicants had forestalled him from sitting in the street but he had refused. On the day of incident viz. 10.05.2023, all applicants on the same point, caused fist and kick blows to complainant's son. He was saved by complainant and others. He was not in senses and on the next date went unconscious; hence he was taken to Civil Hospital, Hyderabad for treatment, where he died on 13.05.2023. Hence FIR.

2. In the postmortem report, complainant's son is said to have died of natural death and no internal and external marks of violence were found. Relying on this point, applicants' counsel has pleaded for bail and has further pointed out that in FIR, all applicants are shown, not armed with any weapon, but in an application under Section 22-A&B CrPC, complainant has alleged that they were armed with lathies and hatchets.

3. Counsel for complainant and learned DPG have opposed bail. Learned DPG has, however, not denied that medical evidence does not support the allegations leveled against the applicants.

4. In view of above, when in the medical examination of deceased, no marks of violence either internal or external were found on the deceased and he is said to have died a natural death, the case of further enquiry is made out against the applicants, who are claimed to be political opponents of the complainant and had contested Local Bodies Elections against him. Accordingly, this bail application is **allowed** and the interim pre-arrest bail earlier granted to applicants by this Court is confirmed on the same terms and conditions.

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

JUDGE

Ahmad