

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc. App. No. S – 200 of 2024

(Shah Jahan versus The State & others)

Date of hearing : 29.04.2024

Date of decision : 29.04.2024

Mr. Ghulam Mujtaba Sahito, Advocate for applicant.

ORDER

Muhammad Iqbal Kalhoro, J. – Applicant has filed this application for cancellation of bail granted to respondents in Crime No.20 of 2024, registered at Police Station Tharushah, District Naushahro Feroze u/s 302, 34 PPC, vide order dated 29.02.2024 passed in ABA No.188/2024 by learned II-Additional Sessions Judge, Naushahro Feroze.

2. I have heard applicant's counsel. He submits that the role assigned to respondent No.2 Asghar Ali, who is a lineman in SEPCO, is that he had kicked the maternal uncle of complainant after exchanging hot words with him, as a result of which, he had fallen down on the ground from his motorcycle and received an inside injury, which led to his death. However, no role is assigned to respondent No.3, who was simply available with respondent No.2 Asghar Ali as per allegation. However, in response to a query, learned Counsel has submitted that in postmortem report, death of deceased Ziaduddin has been declared natural, which report, however, he submits that has been challenged before the medical board.

3. It is apparent that for the time being, there is *prima facie* no material justifying cancellation of bail of respondents, which has been granted by the trial court through cogent reasons and after properly appreciating the facts. However, in medical evidence, if something incriminating comes on record, applicant may file an application before the trial court first for the relief he is seeking from this Court through this application.

4. In view of above, this criminal miscellaneous application is found meritless and is accordingly **dismissed in limine** along with pending applications.

JUDGE