

## ORDER SHEET

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.**

Cr. Bail Application No. S- 259 of 2024

(Allah Dino Shaikh Vs. The State)

DATE	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objections at Flag 'A'.
2. For hearing of Bail Application.

**Date of hearing and order 13.05.2024.**

Syed Muhammad Ali Shah, Advocate for applicant.

Complainant Kamaluddin in person.

Mr. Shafi Muhammad Mahar, D.P.G for the State.

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**ORDER**

***Adnan-ul-Karim Memon J:-*** Applicant Allah Dino seeks post-arrest bail in F.I.R No.45 of 2024 registered for offences under section 147,148,149, 342,120-B, 324,337-A(i) 337 F(i) 506-2 PPC of Police Station Rohri District Sukkur. His earlier bail plea has been declined by the trial court vide order dated 27.3.2024.

2. The accusation against the applicant is that on 26.02.2024 he along with his accomplices, caused kicks and fists to Jamaluddin, brother of the complainant as well as PWs, in the alleged incident, co-accused Ghulam Nabi Chachar has been alleged to have opened direct fire upon Jamaluddin; while the accused Ali Sher Shambani aimed a pistol at the complainant party and issued threats of dire consequences. After receiving the the injuries, the complainant party shifted Jamaluddin having a firearm injury near his abdomen to the hospital and thereafter, the complainant appeared at PS and lodged such FIR, of the incident on 26-02-2024.

3. Learned counsel for the applicant mainly argued that the applicant is innocent and falsely implicated in this case; all the PWs are close relatives of the complainant. According to the FIR, no specific role was assigned to the applicant, as such, allegations against him are general. The learned counsel further contended that previously a post-arrest bail application of co-accused had also been granted by the trial court based on the concession

of the complainant, therefore, the matter requires further inquiry in terms of rule of consistency. He prayed for allowing the bail application.

4. The complainant present in person submits that the applicant/accused is nominated in the FIR and he in the prosecution of common object attacked him and his brother, resultantly his brother received firearm injury near the abdomen at the hands of co-accused, which is a vital part. He submitted that the present applicant shared the common object and caused lathi injuries to the witnesses, he has identified the applicant at the scene of the offense, therefore, the applicant at this stage is not entitled to a grant of post-arrest bail.

5. Learned Additional PG submitted that the FIR was promptly lodged without any delay. There is no malafide on the part of the complainant party to implicate the accused falsely. He lastly prayed for the dismissal of the bail application. On the rule of consistency, he submitted that this was the concession made by the complainant in favour of the main accused who has been enlarged on bail by the trial Court; therefore, it is for this Court to decide whether the applicant is entitled to post arrest bail or otherwise.

6. I have heard the learned Counsel for the Applicant, the Complainant who is present in person, and learned Deputy Prosecutor General as well and have minutely perused the material available on record.

7. Tentative assessment of record reflects the following aspects of the case:-

- i) *The alleged incident took place on 26-02-2024 and reported to police on the same date.*
- ii) *Co-accused Ghulam Nabi has been enlarged on bail by the trial Court vide order dated 23-04-2024 based on the statements made by complainant that he had no objection if the bail application of accused be allowed, his statement was supported with affidavit.*
- iii) *Co-accused Ali Sher and lady co-accused Mst. Sakina have also been granted post arrest bail in the same crime.*

8. From the perusal of the record, it reflects that there is the allegation of a generalized nature of causing simple injury, his culpability in the alleged crime certainly calls for further probe as it would be decided by the learned trial court after the recording of evidence during trial, entitling him for the relief sought for. Prima facie, it appears from the record that the trial court has granted bail to co-accused as discussed supra on the concession of the complainant, which factum, at this juncture, requires further inquiry into the guilt of the applicant.

9. In view of the above, the Applicant has made a case of post-arrest bail in the aforesaid crime at this stage.

10. The grounds agitated by the Complainant cannot be assessed at the bail stage without recording the evidence in the matter.

11. These are the reasons for my short order dated 13.05.2024 whereby I have allowed the bail application, and admitted the applicant to post-arrest bail in F.I.R No.45 of 2024 registered for offences under section 147,148,149, 342,120-B,324,337-A(i) 337 F(i) 506-2 PPC of Police Station Rohri District Sukkur, subject to furnishing his solvent surety in the sum of Rs.50, 000/- (Rupees Fifty thousand only) and P.R bond in the like amount to the satisfaction of the learned trial court.

12. The above findings are tentative and shall not prejudice the case of either party during trial.

J U D G E

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**ORDER.**

Heard the arguments of the parties. For the reasons to follow, the applicant is admitted to post-arrest bail in F.I.R No.45 of 2024 registered for offences under section 147,148,149, 342,120-B,324,337-A(i) 337 F(i) 506-2 PPC of Police Station Rohri District Sukkur, subject to furnishing his solvent surety in the sum of Rs.50, 000/- (Rupees Fifty thousand only) and P.R bond in the like amount to the satisfaction of the learned trial court.

JUDGE