

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 167 of 2024

Date of hearing	Order with signature of Judge
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For hearing of bail application

20.05.2024

Mr. Shabbir Ali Bozdar, Advocate for applicants.
Mr. Fida Hussain Sahito, Advocate for complainant.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – From contents of FIR, it is clear that complainant and accused, being relatives, are in dispute over partition of the land. On the day of incident viz. 05.11.2023, applicants along with other accused, in all nine, armed with deadly weapons, came in front of the house of complainant, and on account of previous enmity, murdered her husband Ashique Ali and injured her nephew Ghulam Rasool by causing hatchet and *lathi* injuries.

2. Applicant Ali Sher is shown to be armed with a pistol, applicant Liaquat with a gun, applicant Akhtiar with a *lathi* and applicant Mukhtiar with a pistol. No role has been assigned to applicants Ali Sher and Mukhtiar in the entire incident and mere their presence is shown. However, applicants Liaquat and Akhtiar are said to have caused injuries to PW Ghulam Rasool: Liaquat with butt of his gun on his nose and Akhtiar with a *lathi* on his back side. These injuries, however, have been declared as minor and bailable. No role insofar as causing any injury to deceased has been attributed to them. The case has been challaned.

3. These are the facts and grounds, learned defense counsel has raised for seeking bail to the applicants, which has been opposed by learned Additional Prosecutor General and counsel appearing for the complainant.

4. However, in my view, the case against the applicants requires further enquiry, and the question of their vicarious liability would be determined at the stage of trial. *Prima facie*, they have not been assigned

any role of causing injuries to the deceased, and the injuries caused to PW Ghulam Rasool, attributed to applicants Liaquat Ali and Akhtiar, opined by Medico Legal Officer, are minor and bailable in nature.

5. Accordingly, this application is **allowed**, and applicants are **granted** post-arrest bail subject to their furnishing a solvent surety in the sum of Rs.1,00,000/- (*Rupees one lac*) each and PR bond of the same amount to the satisfaction of the trial Court.

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

The bail application stands **disposed of** in the above terms.

J U D G E

Abdul Basit