

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

Criminal Bail Application No.S-500 of 2024

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**DATE ORDER WITH SIGNATURE OF JUDGE**

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**15.08.2024**

Mr. Ghulam Mustafa Burdi advocate for applicant.  
Mr. Haji Khan Jamali advocate for complainant.  
Ms. Rameshan Oad, A.P.G.

**ZULFIQAR ALI SANGI, J.-** Applicant Raheem seeks post-arrest bail in Crime No.45/2020 registered at P.S. Khadar U/s 302, 324, 337-A(i), 337-A(v), 337-F(iii), 337-F(v), 337-F(vi), 449, 114, 504, 148, 149 PPC after his bail was declined by the learned Additional Sessions Judge-V/MCTC, Shaheed Benazir Abad vide order dated 16.03.2024.

2. Allegation as per FIR against the present applicant is that he caused firearm injuries to deceased from his repeater which hit and the co-accused Gulab also fired upon deceased with rifle. The accused Ali Sher fired from rifle upon Ghulam Hussain. Accused Arbab and Altaf with rifle and repeater fired upon Mst. Zeenat. Accused Shabir fired from his repeater upon complainant which too hit him.

3. It is contended by counsel for the applicant that the applicant has been falsely implicated in this case; that FIR was registered with the delay of one day and no explanation has been furnished by the complainant; that co-accused Gulab and four others were acquitted by way of compromise; that the complainant registered the FIR with false facts hence the case of applicant require further inquiry therefore the applicant is entitled to be enlarged on bail.

4. The bail plea has been opposed by learned APG and the counsel for the complainant by submitting that the applicant is nominated in FIR with specific role causing fire arm injuries to deceased resulting to his death and the PWs are supporting the case having support of medical evidence therefore, applicant is not entitled for grant of bail.

5. Heard learned counsel for the applicant, complainant and APG and perused the material available on record.

6. Admittedly the name of the applicant/accused is mentioned in the F.I.R with specific role that he has caused firearm injury to the deceased Muhammad Khan; version given by the complainant in the FIR was supported by the PWs in their 161 Cr.P.C statements; Ocular evidence is supported by the medical evidence; the

delay in registration of F.I.R has been properly explained by the complainant in the F.I.R. In the similar facts and circumstances the Supreme Court has declined the bail in the case of **SHOUKAT ILAHI V. JAVED IQBAL AND OTHERS (2010 SCMR 966)**, wherein Honourable Supreme Court of Pakistan has observed as under:-

***“6. We have given due consideration to the submission made and have gone through the material available on record. From the record, we find that the name of the petitioner was mentioned in the FIR; that the motive had been alleged against him; that a specific role of raising Lalkara was assigned to him and that it was specifically mentioned that he and co-accused fired at the deceased, which hit him. The PWs have supported the case in their 161 Cr.P.C statements which is further corroborated by the medical evidence, as according to Medical Officer the deceased had six firearm injuries out of them two were exit wounds. Thus, prima facie incident has been committed by more than one person. From the material available on record, we are of the view that there are reasonable grounds for believing that the petitioner is involved in the case.”***

7. In these circumstances; I am of the considered view that the applicant has not made out his case for grant of post arrest bail. Accordingly, instant criminal bail application stands dismissed.

8. The observations made hereinabove are tentative in nature only for the purpose of deciding the instant bail application, which shall not, in any manner, influence the learned Trial Court at the time of final decision of the subject case.

**J U D G E**