

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
Crl. Bail Application No. S -401 of 2023  
(*Meer Khan @ Meer Muhammad Vs. The State*)

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1. For Orders on office objection.
2. For hearing of bail application.

**12-02-2024.**

Mr. Badaruddin Memon, advocate for the applicant.  
Mr. Abdul Rasheed Kalwar, advocate for the complainant.  
Mr. Aftab Ahmed Shar, Additional P.G for the State.

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**Irshad Ali Shah, J;-** It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object, not only committed murder of Gul Hassan by causing him fire shot injuries, but also caused fire shot injuries to PW Rahib with intention to commit his murder and then went away by making fires in air to create harassment, for that the present case was registered.

2. The applicant on having been refused pre-arrest bail by learned IIIrd Additional Sessions Judge, Mirpur Mathelo has sought for the same from this Court by way of instant Crl. Bail Application under Section 498-A Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party on the basis of vicarious liability; therefore, he is entitled to be admitted to pre arrest bail on point of malafide, which is not opposed by learned APG for the State and learned counsel for the complainant.

4. Heard arguments and perused the record.
5. Admittedly, no effective role in commission of the incident is attributed to the applicant; therefore, sharing of common intention on his part obviously would be determined at trial. In these circumstances case for grant of pre-arrest bail to the applicant on point of malafide and further inquiry obviously is made out.
6. In view of above, the interim pre arrest bail already granted to the applicant is confirmed on same terms and conditions.
7. The instant Bail application is disposed of accordingly.

Judge