

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

Criminal Bail Application No.S-66 of 2024

Applicant : Sajjad through Mr. Touseef Ahmed Chandio,  
Advocate.

Complainant : The State through Ms. Rameshan Oad, Asst. P.G Sindh.

Date of hearing : **01.02.2024**

Date of Order : **01.02.2024**

**O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant bail application, the above named applicant/accused seeks his post-arrest bail in Crime No.37 of 2023, under section 324, 353, 412 PPC, registered at P.S B-Section Tando Allahyar, after his bail plea was declined by the learned Additional Sessions Judge-II, Tando Allahyar, vide his order dated 07.12.2023.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused mainly contended that the applicant/accused is innocent and he has been falsely implicated in this case due to malafide and ulterior motives; there are general allegations upon accused and it is very surprise to note that there are 05 nominated accused with the general allegations of making firing upon police party but nobody received a single injury from either side; hence, interim bail granted to the applicant may be confirmed; that no specific role has been assigned to applicant and despite of the fact that alleged incident had taken place in populated area but police failed to associate any independent person of the locality to witness the event and, that the challan of this case has already been submitted and the applicant/accused is no more required for further enquiry.

4. Learned A.P.G appearing on behalf of State while opposing the bail of applicant, contends that applicant along with absconded accused persons have jointly made straight fires upon police party and so far as the question of non-receiving injury to the police personnel is concerned, they are well energetic and having skills to save themselves from any danger, saved themselves.

5. I have heard learned counsel for the parties and have perused the record available.

6. Manifestly the allegations against the applicant are general in nature and ineffective firing is alleged. Admittedly the alleged encounter occurred between police and accused party but it is surprising to note that nobody from either side sustained a single injury nor any scratch to government vehicle is stated. It is also an admitted position that the alleged incident had taken place at populated area but police failed to associate any independent person from locality to act as mashir as required under the mandatory provision of section 103 Cr.P.C. All prosecution witnesses are police officials, therefore, there is no apprehension of tempering with the prosecution evidence. Offence under section 353 PPC is bailable while applicability of section 324 PPC is to be determined at the trial hence, the case of applicants is fit for 'further inquiry.' In these circumstances, the case of the applicant/accused falls within the ambit of sub-section (2) of section 497 Cr.P.C.

7. In view of the above, at bail stage, only a tentative assessment is to be made. The learned counsel for the applicant/accused has made out a case for grant of post-arrest bail, resultantly instant Criminal Bail Application is allowed and the applicant/accused Sajjad s/o Noor Muhammad Solangi is admitted to bail subject to his furnishing solvent surety in the sum of Rs.30,000/- [Rupees Thirty Thousand] and P.R. bond in the like amount to the satisfaction of learned Trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

**JUDGE**

*\*Hafiz Fahad\**