

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

Crl. Bail Application No. S -816 of 2023

( *Ali Gul Mashori Vs. The State* )

---

Crl. Bail Application No. S -799 of 2023

( *Khair Muhammad Vs. The State* )

---

**Hearing of bail application**

1. For orders on office objection at flag 'A'
3. For hearing of bail application

**26-02-2024.**

Mr. Zulfiqar Ali Panhwar, Advocate for the Applicant in Cr. Bail Appln. No.S-816/2023

Mr. Shabbir Ali Bozdar, Advocate for Applicant in Cr. Bail Appln. No.S- 799/2023

Mr. Achar Khan Gabol, Advocate for the Complainant

Mr. Ameenuddin Khaskheli, Advocate for LRs of deceased

Mr. Aftab Ahmed Shar, Additional P.G for the State.

>>>>...<<<<<

**Irshad Ali Shah, J;-** It is alleged that the applicants with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object besides causing fire shot injury to PW Hizbullah with intention to commit his murder, committed murder of Muhammad Sharif alias Mullo by causing him fire shot injuries and then taken away his dead body with them by making fires in air to create harassment and then thrown it in River in order to cause disappearance of evidence to save themselves from legal consequences, for that the present case was registered.

2. Initially, the applicants were admitted to pre-arrest bail mainly on raising of no objection by the complainant party formally, it was cancelled on filing of an application u/s 497(5), CrPC by Mst.

Waheeda, the widow of the deceased by learned Additional Sessions Judge, Moro, it is in these circumstances, the applicants have sought for the pre-arrest bail by filing two separate applications under section 498 CrPC.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party; the FIR of the incident has been lodged with delay of six days and there is counter version of the incident, therefore, the applicants are entitled to be admitted to pre-arrest bail on point of further inquiry and *mala fide*, which is opposed by learned Addl. PG for the State and learned counsel for the complainant and widow of the deceased by contending that the applicants have taken active part in commission of incident.

4. Heard arguments and perused the record.

5. The FIR of the incident has been lodged with delay of about six days. As per postmortem report the deceased besides fire shot injury on his chest was found sustaining fire shot injury on his back; it is attributed to the applicants jointly, who actually caused such injury to the deceased? it requires determination at trial. In these circumstances a case for grant of pre-arrest bail to the applicants on point of further inquiry and *mala fide* obviously is made out.

6. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

7. The instant bail applications are disposed of accordingly.

Judge

