

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-928 of 2023

(Latif Ahmed Ujjan Vs. The State)

1. For Orders on office objection.
2. For hearing of Bail Application.

27-02-2024.

Syed Jaffar Ali Shah, advocate for the applicant.
Mr. Shafi Muhammad Mahar, Deputy 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 in prosecution of their common object, besides committing murder of Bashir Ahmed caused fire shots injuries to PWs Liaquat and Mst. Amiran with intention to commit their murder and then went away by making fires in air to create harassment, for that the present case was registered.

2. On having been refused bail by learned Ist Additional Sessions Judge (MCTC), Khairpur, the applicant has sought for the same from this Court by way of instant application u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case by the complainant party in order to satisfy its dispute with him over landed property; FIR of the incident has been lodged with delay of about 10 hours; there is general allegation against the applicant; there is counter version of the incident and moreso, co-accused Sarfraz Ali and six others have already been admitted to bail by this Court; therefore, the applicant is entitled to be released on bail on point of further inquiry and consistency, which is opposed by learned Deputy P.G for the State by contending that there is vicarious liability on the part of the applicant.

4. Heard arguments and perused the record.
5. The FIR of the incident has been lodged with delay of about 10 hours. There is counter version of the incident, which party is aggressor and which party is aggressed upon, it requires determination at trial. There is dispute between the parties over landed property. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of the applicant and moreso co-accused Sarfraz Ali and six others have already been admitted to bail by this Court. In these circumstances a case for release of the applicant on bail on point of further inquiry and consistency obviously is made out.
6. In view of above the applicant is admitted to bail subject to furnishing solvent surety in sum of Rs.200,000/- (Two lac) and P.R bond in the like amount to the satisfaction of learned trial Court.
7. The instant bail application is disposed of accordingly.

Judge