

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.D-103 of 2023

(Zaheer Abbas Sahito Vs. The State)

For hearing of Bail Application

28-02-2024.

Mr. Irshad Hussain Dharejo, advocate for the applicant.
Mr. Abdul Raheem Mahar, advocate for the complainant.
Mr. Zulfiqar Ali Jatoi, Addition P.G for the State.

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Irshad Ali Shah, J; It is alleged that the applicant with rest of the culprits in furtherance of their common intention being member of a banned organization committed murder of Haji Muhammad Akram by causing him fire shot injuries, for that the present case was registered.

2. The applicant on having been refused bail by learned Special Judge, Anti-Terrorism Court, Khairpur, 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 by way of further statement; therefore, he is entitled to be released on bail on point of further inquiry, which is opposed by learned Additional P.G for the State and learned counsel for the complainant by contending that he is vicariously liable for the commission of the incident.

4. Heard arguments and perused the record.

5. The name of the applicant is not appearing in the FIR; it was disclosed by the complainant by way of further statement which could hardly be treated as a part of FIR. The role attributed to the applicant in commission of incident is only to the extent that he facilitated rest of the

culprits to commit the incident. Whether the applicant actually facilitated the commission of the incident, it requires determination at trial. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of the applicant. In these circumstances a case for release of the applicant on bail on point of further inquiry 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

JUDGE

Nasim/P.A