

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-909 of 2023

*(Imran Ali and another Vs. The State)*

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For hearing of bail application.

**ORDER.**

04-03-2024.

Mr. Ubedullah Ghoto, advocate for the applicants.

Mr. Shabbir Ali Bozdar, 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 applicants with rest of the culprits after having formed an unlawful assembly in prosecution of its common object beside causing fire shot injury to PW Muhammad Soomar with intention to commit his murder, committed murder of Ali Mardan by causing him fire shot injuries, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned Additional Sessions Judge/(MCTC), Ubauro, have sought for the same from this Court by way of instant Bail Application under section 497 Cr.P.C.

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 with no effective role in commission of incident; therefore, they are entitled to be released on bail on point of further inquiry. In support of his contention he has relied upon case of *Muhammad Irfan Vs. The State and others (2014 SCMR 1347)*.

4. Learned Additional P.G for the State and learned counsel for the complainant have opposed to release of the applicants on bail by contending that they are vicariously liable for the commission of the incident and on arrest from them have recovered pistol and gun which they were having at the time of incident.

5. Heard arguments and perused the record.

6. The FIR of the incident has been lodged with delay of about one day. The effective role of causing fire shot injury to injured Muhammad Soomar and Ali Mardan is attributed to accused Shahzado and Din Muhammad; both of them have been let off by the police by placing their names in column No.II of the charge sheet. The role attributed to the applicants in commission of the incident is only to the extent of their presence at the place of incident. Whether they actually shared the common intention in commission of incident, it requires determination at trial. The gun and pistol were used by the applicants in commission of the incident; therefore, its recovery if any is not enough which may make them disentitled to concession of bail. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of the applicants. In these circumstances the case for the release of applicants on bail on point of further enquiry is made out.

7. In view of above, the applicants are admitted to bail subject to their furnishing solvent surety in sum of Rs.200,000/- (two lacs) each and P.R bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail application is disposed of accordingly.

Judge