

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-21 of 2024

*(Hidayatullah and others Vs. The State)*

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1. For Orders on office objection.
2. For Orders on MA No. 184/2024 (Ex./A)
3. For hearing of Bail Application

**05-03-2024.**

Mr. Amanullah G. Malik, advocate for applicants.

Mr. Ali Ahmed Khan, advocate for complainant.

Mr. Shafi Muhammad Mahar, Deputy 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 and in prosecution of their common object, committed murder of Asghar Ali by causing him *Sarota and knife* injuries, for that the present case was registered.

2. The applicants on having been refused Post-Arrest bail by learned 1<sup>st</sup> Additional Sessions Judge/MCTC-I, Sukkur, have sought for the same from this Court by way of instant Crl. Bail Application u/s 497 Cr.P.C.

3. At the very outset, it is stated by learned counsel for the applicants that he does not press the instant Crl. Bail Application in respect of applicants Hidayatullah and Karamullah, it is dismissed as not pressed. However, it is contended by him on behalf of applicant Rafique Ahmed alias Muhammad Rafique that role attributed to him in commission of incident is only to the extent that he with rest of the culprits caught hold of the deceased at the time when he was done to death and co-accused Sharafuddin and three others with similar role have already been admitted to bail by this Court. By contending so, he sought for release of applicant Rafique Ahmed alias Muhammad Rafique on bail on point of consistency and further inquiry.

4. Learned DPG for the State has recorded no objection to release of the applicant Rafique Ahmed alias Muhammad Rafique on bail, however, learned counsel for the complainant opposed to release of applicant Rafique Ahmed alias Muhammad Rafique on bail by contending that case is ripe for evidence.

5. Heard arguments and perused the record.

6. Admittedly role attributed to applicant Rafique Ahmed alias Muhammad Rafique in commission of incident is only to the extent that he with rest of the culprits caught hold of the deceased at the time of incident when he was done to death by co-accused Qaimuddin and other by causing him *Sarota and knife* injuries. In that situation vicarious liability on his part in commission of the incident obviously would be determined at trial. Co-accused Sharafuddin and three others with similar role have already been admitted to bail by this Court. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of applicant; therefore, a case for his release on bail on point of further inquiry and consistency is made out.

7. In view of above applicant Rafique Ahmed alias Muhammad Rafique is admitted to bail subject to his furnishing surety in sum of Rs.200,000/- (Two lacs) and P.R bond in the like amount to the satisfaction of learned trial Court.

8. The instant Crl. Bail Application is disposed of accordingly.

**Judge**