

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 94 of 2024

Date of hearing	Order with signature of Judge
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Hearing of bail application

15.04.2024

Mr. Sheeraz Fazal, Advocate for applicant.
Mr. Shafi Muhammad Bango, Advocate for complainant.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – There is a dispute between the parties over agricultural land, and on account of which, on 07.08.2022, applicant along with six other accused, total seven, five nominated and two shown unknown in FIR, armed with deadly weapons, accosted complainant party when they were present on their agricultural land near village Hothyarja, and killed father of complainant namely Hubdar Ali and injured four persons arrayed as PWs in the case. FIR of the incident was registered on 08.08.2022, the next day. Role assigned to applicant is that he had caused *lathi* blows to complainant, which, as per opinion of Medico Legal Officer, are bailable falling U/S 337-F(i) PPC. The main role of causing murder of deceased by firearm injuries and injuring four victims is assigned to other accused, some of whom are arrested and are in jail.

2. Learned Counsel, referring to the role of applicant, has pleaded for bail, and has supported his arguments by mentioning that applicant is in jail since 08.08.2022, the date of FIR, but still the trial has not proceeded. His arguments have been opposed by learned Counsel for the complainant and learned Additional Prosecutor General.

3. I have considered submissions of parties. Applicant is not assigned role of causing any injury to either deceased or the ones who got injured by firearms. His role is confined to causing bailable injuries to complainant. Keeping in view such role, the allegation against him of sharing vicarious liability with the main accused in committing the offence requires further enquiry. Applicant is in jail since 08.08.2022, and reportedly not a single witness has been examined by the trial Court. The case has been challaned and therefore confinement of applicant in jail will not benefit the prosecution in any manner.

4. Therefore, this application is **allowed**, and applicant is **granted** post-arrest bail subject to his furnishing a solvent surety in the sum of Rs.2,00,000/- (Rupees two lac) and PR bond of the same amount to the satisfaction of the trial Court.

5. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

The bail application stands **disposed of** in the above terms.

J U D G E

Abdul Basit