

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-118 of 2024  
(*Saeed Indhar v. The State*)

Crl. Bail Application No.S-147 of 2024  
(*Gulzar Ahmed Indhar v. The State*)

Mr. Muhammad Ali Napar, Advocate for applicant Saeed Indhar.  
M/s Ali Ahmed Khan and Bilal Ahmed Soomro, Advocates for applicant  
Gulzar Ahmed Indhar.  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

Date of Hearing & Order: **29-04-2024**

## ORDER

**MUHAMMAD IQBAL KALHORO, J.**: Allegations against applicants seeking post-arrest bail are that when on 29.06.2023 after committing robbery from a son of complainant namely Ansar Ali (FIR No.52 of 2023) were going to their village, they were waylaid by complainant party on such information communicated to them by the said son and called out. Hence, they fired at complainant party killing Abdul Hameed and injuring three PWs namely Shahmeer, Muhammad Ramzan and Ghulam Sarwar with fire arms. Resultantly, this FIR was registered on 02.08.2023 after more than one month of the incident.

2. In FIR, names of applicants do not transpire. However, on 03.09.2023 after more than two months of the incident and one month of FIR, complainant introduced applicants and others to be the culprits of the alleged offence, however, *prima facie* without explaining the reasons for not naming them in FIR at the first instance.

3. Learned counsel in defense have cited delay in registration of FIR and recording further statement after a long delay as a reference for grant of bail to the applicants. Their arguments have not been opposed

by learned Deputy P.G. According to him, due to delay, the case has become one of further enquiry.

4. Counsel for complainant has chosen to remain absent despite this case being date by Court. On his behalf, Mr. Amjad Ali, Advocate is holding brief.

5. I have heard parties and gone through material available on record and am of the view that the case of the applicants requires further enquiry due to the facts and circumstances, as already highlighted above and taken up by learned counsel in defense. There is *prima facie* unexplained delay in registration of FIR and introduction of applicants in this case has materialized without *prima facie* any explanation thereto.

6. Accordingly, these bail applications are **allowed** and the applicants are admitted to post-arrest bail subject to their furnishing solvent surety in the sum of **Rs.100,000/- (One Lac) each** with P.R bond in the same amount to the satisfaction of the trial Court. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

***Office to place a signed copy of this order in captioned connected matter.***

**JUDGE**

Ahmad