

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1078 of 2024

DATE ORDER WITH SIGNATURE OF JUDGE

20.01.2025

Mr. Adnan Ahmed Memon, advocate for applicant.
Mr. Jahanzaib @ Jansher Memon advocate for complainant.
Ms. Sana Memon, Assistant Prosecutor General.

ZULFIQAR ALI SANGI, J.- Through this application, applicant Allah Bux seek post-arrest bail in Crime No.13/2024 registered at P.S. Abadgar District Tando Muhammad Khan U/s 302, 324, 147, 148, 149, 504, 337-A(vi), 337-A(i), 337-F(i), 337-L(ii), 35 PPC. His earlier bail was declined by the learned Additional Sessions Judge-I Tando Muhammad Khan vide order dated 26.08.2024.

2. As per FIR, the allegations against accused persons are that accused Mola Bux has caused hatchet blow to deceased Ghulam Mustafa, accused Ameer Bux caused hatchet blow to injured Papo, accused Raheem Bux caused hatchet blow to injured Muhammad Usman whereas applicant Allah Bux and co-accused Dhani Bux are alleged to have caused lathi injuries to the sons of complainant.

3. The bail is sought on the ground that there is delay of 2 days in registration of FIR; that though complainant was present at the place of incident however has not received any injury; that the injury received by deceased is assigned against co-accused Mola Bux, however, general role against present applicant has been assigned; that present applicant has remained in jail for about 9 months and there is no progress in the trial. Learned Counsel for the applicant has relied upon the case law reported as 2021 SCMR 540, 2020 SCMR 956, 2022 SCMR 198, 2022 SCMR 624, 2022 YLR 469, 2008 PLD 384, 2003 YLR 3029, 2005 YLR 275 and 2021 YLR 841.

4. The bail has been opposed by the counsel for complainant and APG on the ground that the delay in FIR has been explained by the complainant; that the present applicant is specifically named in FIR with role of causing lathi blow to the sons of complainant which is supported by medical evidence and injured PWs in their 161 Cr.P.C statements; that the lathi used in the offence has been recovered from the applicant, therefore, he is not entitled for bail. They relied upon the case law reported as 2018 P.Cr.L.J Note 184.

5. Heard learned counsel for the Parties and perused the material available on record.

6. From perusal of material available on record, it reflects that the applicant is named in FIR with specific role of causing lathi injury to the injured which is supported by medical evidence whereas PW Muhammad Usman received 5 injuries and PW Papo received 3 injuries. In the present case one innocent namely Ghulam Mustafa has lost his life and two sons of complainant received injuries. No direct enmity or ill will is suggested for false implication of the applicant and the alleged weapon used in the commission of offence has also been recovered from the applicant. Under such circumstances, no case for grant of bail is made out. Result thereof this criminal bail application is dismissed.

7. The observations made hereinabove are tentative in nature only for the purpose of deciding the instant bail application, which shall not, in any manner, influence the learned Trial Court at the time of final decision of the subject case.

J U D G E

Ali Haider