

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

Cr. Bail Application No.S-235 of 2022

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**DATE**                      **ORDER WITH SIGNATURE OF JUDGE(S)**

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1. For orders on office objections.
2. For hearing of main case.

11.04.2022.

Mr. Gulzar Al Soomro, Advocate for applicant.  
Ms. Rameshan Oad, Assistant P.G.

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**ORDER.**

**SALAHUDDIN PANHWAR, J.-** Through this application, applicant seeks post arrest bail in Crime No.17 of 2021 registered at P.S Makhdoom Bilawal, District Dadu, under sections 302, 504, 114, 34 PPC. Previously, same plea has been declined by learned Additional Sessions Judge-I / MCTC Dadu vide order dated 24.02.2022.

2. It is alleged that on 09.07.2021 applicant / accused Muhammad alias Muhammad Khan armed with pistol alongwith co-accused Imdad, Mustafa alias Rano, Muhammad, Ishaque alias Hajoo, Hidayatullah, all armed with pistols, came at the place of incident and on instigation of co-accused Hidayatullah, applicant / accused and other co-accused made fires from their pistol upon Lal Ahmed Shahani, the father of complainant, who expired, hence, FIR was lodged.

3. Heard learned Counsel for applicant as well as learned A.P.G. Admittedly, applicant's name was placed in Column No.2 during investigation. Learned Counsel while relying upon the case of MUHAMMAD ABBAS and 2 others v. The STATE (1987 SCMR 483) contends that this is a case of further inquiry. According to the Counsel for applicant, many family members were involved in this case while alleging that every one caused single injury to

deceased and that the names of three accused were placed in Column No.2, whereas rest of the accused are behind the bars and accordingly, this is a case of further inquiry. With regard to case law referred to by learned A.P.G reported as 2021 SCMR 302 and 2021 CLC 444, suffice to say that facts are not similar to the present case as the facts and circumstances of every criminal case are different and to be decided on its own peculiar facts and circumstances. In present case, accused was found innocent by the Investigating Officer. Case falls within the purview of Sub-Section 2 of Section 497 Cr.P.C. Accordingly, applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac) and P.R Bond in the like amount to the satisfaction of trial Court. Criminal Bail Application is disposed of accordingly.

JUDGE

Shahid