

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-106 of 2022

Cr. Bail Application No.S-107 of 2022

Cr. Bail Application No.S-110 of 2022

Cr. Bail Application No.S-125 of 2022

Cr. Bail Application No.S-228 of 2022

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

23.05.2022.

Applicants Ali Ahmed and Rasool Bux are present on ad-interim pre-arrest bail.

M/s. Mashooque Ali Bhurgari, Bilawal Ali Ghunio, Preetpal Singh Sodho and Aijaz Ahmed Chandio, Advocates for applicants.

Mr. Wahid Bux Aajiz Leghari, Advocate for complainant.

Ms. Rameshan Oad, Assistant P.G.

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Salahuddin Panhwar, J. Applicants Ali Ahmed and Rasool Bux have filed Criminal Bail Application Nos.106 & 107 of 2022 whereby they seek pre-arrest bail after their bail pleas have been declined by learned Ist Additional District & Sessions Judge / MCTC Badin vide order dated 18.01.2022. Whereas, applicants Ismail @ Sulleman, Meer Hassan and Fida Hussain through Criminal Bail Application Nos.S-110, 125 and 228 of 2022 are seeking post arrest bail.

2. Concisely, the facts of the case are that complainant Ghulam Nabi lodged present F.I.R No.66 of 2021 at Police Station Pangrio on 20.09.2021 alleging therein that few months ago on the complaint of girls of Girls School Malkhani and on the basis of decision of Nekmards, shop of Rasool Bux Unar was closed which was situated in front of Girls School due to said cause Rasool Bux and others were annoyed. On 19.9.2021 complainant, his aged father Ameer Bux Leghari were passing near Girls School Malkani and reached near the shop of Rasool Bux Unar, he saw accused persons (1) Gul Hassan Unar (2) Mohammad Hassan Unar with Iron rod (3) Nawaz Unar with hatchet (4)Qadir Unar with Iron rod(5) Fida Hussain with lathi, (6) Ghulam Sarwar Tangri with gun (7) Ali Hassan with gun (8) Iftikhar Unar with hatchet (9) Mir Hassan

Chandio armed with Khordum (10) Munwar Unar armed with lathi (11) Noor Hassan Unar with lathi (12) Ali Ahmed Unar with lathi (13) Khuda Bux Unar with lathi (14) Rasool Bux Unar with gun (15) Bilawal Mehar with gun (16) Aghar Unar with gun (17) Shafi Unar with repeater (18) Natho Gaho with pistol (19) Nawaz Gaho with cortoosi pistol (20) Yousuf @ Dada Gaho with gun (21) Ayaz Unar with Iron rod (22) Irfan Ali son of Noor Muhammad Unar with lathi (23) Mashooque son of Hashim Unar with lathi (24) Nazar Hussain son of Allahdino Unar with hatchet and 7 to 8 un-known persons were with them who were having hatchets and lathis. When complainant side reached near them, accused persons Gul Hassan Unar, Muhammad Hassan Unar, Nawaz Unar and Qadir Unar instigated to co-accused persons and told that complainant side had closed their shop and today they will not spare to them and will kill Ghulam Nabi Leghari. Thereafter, accused Muhammad Hassan gave Iron rod blow to Ameer Bux, the father of complainant, on head and Ali Nawaz Unar gave blunt side hatchet blow to complainant on his head. On the cries of complainant side, a passerby namely Haji tried to intervene, on which accused Fida Hussain gave blunt side hatchet blow to him on his head. One Akbar Leghari tried to rescue the complainant side and accused Ghulam Sarwar gave gun butt blow to him on his head. Ismail, Saifuddin, Haneef and Abdul Bari tried to rescue complainant side, on which accused Ali Hassan Unar caused gun butt blows to them and Munwar Unar caused lathi blow to Ismail on arms and head. Accused Mir Hassan caused Khordum blow to Saifuddin Leghari on head and other parts of the body. Accused Ali Ahmed Unar caused lathi blow to Abdul Malik Leghari on head and other parts of the body. Accused persons Aijaz Unar, Irfan Ali Unar, Mashooque Unar, Nazeer Hussain Unar gave Iron rod blow, handle blow of hatchet and lathis blows to complainant side and their witnesses. Accused Nawaz Gahu and Yousuf alias Dad Gahu and Naboo Gahu made straight fires upon the complainant side but missed. They abused the complainant side by making aerial firing and left the place of incident. Hence, complainant lodged the aforesaid F.I.R.

3. At the outset, learned Counsel for applicants *inter alia* contend that accused Ayaz Unar, Ali Hassan, Gul Hassan, Noor Hassan, Bilawal and others have been granted bail by this Court as well by learned trial Court and role of the present applicants, who are on ad-interim pre-arrest bail as well applicants who are seeking post arrest bail, is at the same par to that of the co-accused who have been granted bail; whereas, the main allegation is against

accused Muhammad Hassan, who caused fatal blow to deceased Ameer Bux Leghari, who is behind the bars and hence applicants are entitled for bail on the rule of consistency.

4. Learned Counsel for complainant as well learned A.P.G contend that though some of the co-accused have been granted bail by the learned trial Court and some by this Court but applicants intention is very much clear as they facilitated the main accused persons, therefore, they are not entitled for concession of bail.

5. Heard learned Counsel for respective parties, learned Counsel for complainant as well learned A.P.G and perused record. Admittedly, thirty two (32) accused persons have been nominated in the present F.I.R and out of them, fourteen (14) accused persons have been granted bail, hence, case of the applicants is at par to that of co-accused and therefore they deserve equal treatment. Accordingly, ad-interim pre-arrest bail already granted to applicants / accused Ali Ahmed and Rasool Bux vide order dated 28.01.2022 is hereby confirmed on same terms and conditions, whereas applicants / accused Ismail @ Sulleman, Meer Hassan and Fida Hussain are admitted to post arrest bail, subject to their furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac) each and P.R Bonds in the like amount to the satisfaction of the learned trial Court.

Captioned Criminal Bail Applications are disposed of accordingly.

JUDGE

Shahid

