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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Misc. Appln. No.S-30 of 2017.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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For Hearing of case.

18.09.2017

Mr. Saeed Ahmed B. Bijarani, advocate for the applicant.

Mr. Habibullah G. Ghouri, advocate for respondents No.1 & 2.

Mr. Abdul Jabbar A. Lashari, advocate for respondent No.3.

Mr. Khadim Hussain Khooharo, Addl. P. G.

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Through this Crl. Misc. Application under section 497(5), Cr.P.C, the applicant has sought cancellation of bail granted to respondents No.1, 2 & 3 through orders dated 29.11.2016, 30.11.2016 & 25.01.2017 respectively passed by the learned trial Court.

Learned counsel for the applicant submits that the respondents trespassed into the house of the complainant and committed murder in daylight of a young boy; that they were equipped with T.T Pistols; that the crime was preplanned and the case falls within the prohibitory clause, therefore, the trial Court erred in law and facts by granting the bail which may be recalled.

Learned Addl. P. G submits that the impugned orders are correct in law and facts and the bail has been rightly granted as the said accused/respondents are not nominated in the FIR. Whereas, subsequently on the basis of statements of two witnesses under section 161, Cr.P.C they were implicated and such statements are of the same date but their names have not been mentioned in the FIR. He further submits that the main accused Sajjad Ali has given his confessional statement which is inculpatory and not exculpatory, therefore, bail has rightly been granted to the respondents/accused.

Learned counsel for the respondents submits that the accused were not nominated in the FIR and were only implicated on the

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basis of 161, Cr.P.C statements and has supported the impugned orders.

I have heard the learned counsel for the applicant, learned Addl. P. G and the counsel for the respondents. After having perused the orders passed by the learned trial Court, it appears that the same have been passed after taking into consideration the material facts available before the trial Court and it appears to be an admitted position that all these accused were not nominated in the FIR and implicated subsequently on the basis of 161, Cr.P.C statements. It further appears that statements are of the same date on which date FIR was registered. The trial Court after examination has come to just and fair conclusion by considering the fact that the case so far as these respondents are concerned is of further enquiry and has rightly granted the bail. In view of such position, I am of the view that no case for indulgence is made out. Accordingly, instant Crl. Misc. Application is dismissed.


Judge

M. Yousuf Panhwar/ **