

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR Cr. Bail Appln. No. S- 600 of 2024

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

Applicant : Zohaib son of Abdul Lateef bycaste Soomro
through Mr. Shahid Ali Memon, Advocate.

The State through Syed Sardar Ali Shah, Additional P.G.

Complainant : Naseer Ahmed present in person.

Date of Hearing: 18.10.2024

Date of order: 18.10.2024

ORDER.

MUHAMMAD SALEEM JESSAR, J. Process issued against complainant has returned by ASI Ghulam Rasool of Police Station 'A' Section Ghotki duly served, taken on record. Since compliance has been made hence the show cause notice issued to SHO Police Station 'A' Section Ghotki is hereby vacated.

2. Vide FIR No.330/2024 registered with P.S 'A' Section Ghotki for the offence punishable under section 395 PPC the applicant Zohaib Soomro was arrested on 23.08.2024 along with alleged robbed articles. After completion of legal formalities the police have submitted challan against them on 29.08.2024. The case as reported is pending for preliminary proceedings in terms of dicta laid down by Hon'ble Supreme Court in the case of Muhammad Ramzan v. Rahib and others (PLD 2010 SC 585). The applicant filed Criminal Bail Application No.1734 of 2024 before the Court of Sessions Judge, latter it was assigned to Illrd Additional Sessions Judge, Ghotki, who after due notice and hearing the parties turned

down request so made by the applicant vide his order dated 27.08.2024 hence this application has been maintained.

3. Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with the Court file, therefore, there is no need to reproduce the same.

4. Learned counsel for applicant submits that co-accused Ghulam Murtaza was also nominated and arrested by the police on 14.08.2023 along with certain robbed articles; however, has been granted post arrest bail by the same Additional Sessions Judge on 15.08.2024 on the ground of parity as he has already granted bail to co-accused Suneel Kumar alias Suneel and Muhammad Faheem Rajput on 12.08.2024. He submits that complainant of this case has sworn an affidavit before this on 04.10.2024 whereby he has extended his no objection for grant of bail to applicant Zohaib. He further submits that by granting application, the applicant may be released on bail.

5. Learned Additional P.G appearing for state after going through the record as well as no objection extended by complainant present before the Court places his reliance upon the case of Nizamuddin vs. The State and other (SBLR 2024 Sindh 125) also records his no objection for grant of instant bail application.

6. Heard arguments and record perused.

7. No doubt the applicant is nominated in the FIR along with co-accused and certain robbed articles allegedly shown to have been recovered by the police from him at the time of his arrest; however, on same footings co-accused Ghulam Murtaza, who too was arrested by the police on 14.08.2023 and certain robbed articles were recovered from his possession, has been granted post arrest bail by same Additional Sessions (Abdul Baqi) on 15.08.2024. Co-accused Suneel Kumar alias Suneel and Muhammad Faheem Rajput have also been granted extraordinary relief in shape of pre-arrest bail by the same Additional Sessions Judge on 12.08.2024 yet the request so made by present applicant has been turned down for the reasons best known to the Presiding Officer. Since some of co-accused have been extended grace of pre-arrest bail and one has been released on post arrest bail, the case of present

applicant is not only at par with them rather is on better footings than that of co-accused who have been granted bail by the Court below.

8. In the circumstances when the complainant who is victim of incident has no objection besides co-accused have been extended grace of bail. The case of applicant is purely covered by sub-section 2 to Section 497 Cr.P.C. Consequently instant bail application is hereby allowed. The applicant Zohaib Soomro shall be released on bail subject to his furnishing solvent surety in the sum of Rs. 50,000/- (Fifty thousand) and PR bond in the like amount to the satisfaction of 1st Civil Judge & Judicial Magistrate Ghotki or the Court of Sessions Judge being the Court of ultimate trial, as the case may be.

9. Needless to mention that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of either side.

10. The aforesaid bail application stands disposed of in the above terms.

JUDGE

Irfan/PA