

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 107 of 2015.

Date of hearing	Order with signature of Judge
11.11.2016.	

FOR HEARING.

Mr. Shahbaz Ali Brohi, Advocate for applicant.
Mr. Habibullah G. Ghouri, Advocate for complainant.
Mr. Sardar Ali Rizvi, A.P.G.

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**Muhammad Iqbal Kalhoro, J:** Applicant Jani Lashari seeks post arrest bail in Crime No.20/2008, registered at P.S Muhammadpur Odho, District Jacobabad, for offences punishable under Sections 302, 148, 149 P.P.C.

The allegation against the applicant is that on the day of incident viz. 11.6.2008, he alongwith co-accused intercepted the complainant party comprising complainant, his cousin Juma Khan and Muhammad Sharif at Katcha path leading from Punhoon Bhatti to Bosan at about 6.30 a.m. and committed murder of deceased Juma Khan. The role attributed to the applicant is that of facilitator that he and co-accused Acher and Muhammad Ali kept the guns pointed upon the complainant party while other co-accused namely Abdul Rehman, Nadir Ali and Liaquat Ali committed murder.

In the trial the applicant moved a pre-arrest bail application; but the same was dismissed in non-prosecution and thereafter the applicant absconded away. Subsequently, on 12.10.2014 he was arrested and currently he is facing trial. Meanwhile, co-accused Abdul Rehman, Nadir Ali and Muhammad Ali were tried and convicted by the trial Court vide judgment dated 23.1.2013.

Learned counsel has argued that co-accused Muhammad Ali, who, although has been convicted by the trial Court and against whom the same role has been attributed to that of the present applicant, was on

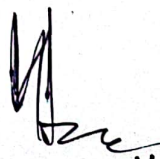


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bail during trial, therefore, the applicant is also entitled for the same relief.

On the other hand counsel for complainant and learned A.P.G. have opposed grant of bail to the applicant. Learned A.P.G. has stated that abscondence of the applicant was willful, as he after dismissal of his application deliberately concealed himself and since co-accused Muhammad Ali who has been assigned the same role of the applicant in the F.I.R has been convicted, the applicant is not entitled for grant of bail.

I have considered the submissions and perused the material available on record. The applicant is assigned role of facilitator in the F.I.R. Allegedly, <sup>he u</sup> kept the weapon pointed at the complainant party while the co-accused committed murder of the deceased. Co-accused Muhammad Ali, who has been assigned same role has been found guilty of the offence by the trial Court and has been convicted for imprisonment for life. In these circumstances, I am of the view that applicant is not entitled to the grant of bail. More so, his abscondence is obviously deliberate, as after dismissal of his pre arrest bail application he chose to be fugitive from law. Accordingly, the bail application is dismissed. However, trial Court is directed to conclude the trial within six months, and if not, the applicant would be at liberty to move a fresh bail application.

  
JUDGE 11-11-2016.