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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
1st Cr. Bail Appln. No.S-585 of 2017

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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09.03.2018.

1. For orders on office objections.
2. For hearing of Bail Application.

Mr. Muhammad Aslam H. Jatoi, advocate for applicant, along with applicant.

Ms. Rubina Dhamrah, ADPP.

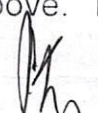
Applicant Abdul Hameed Khooharo is accused in FIR bearing Crime No.14/2014 registered at Police Station Mado, district Dadu, under sections 324, 337-F(i), 337-H(2), 147, 148, 149, 504, 109, PPC and he is alleged to have fired at PW Muhammad Ayoub, the relative of the complainant, from his rifle. It is further alleged that on the day of incident the applicant along with 15 co-accused had assaulted on the complainant party. Against all of them general allegations have been leveled except applicant and co-accused Abdul Lateef, who is said to be armed with Kalashnikov and is alleged to have fired at PW Mumtaz.

Learned Counsel has stated that rule of consistency is applicable to the case of applicant, as co-accused Abdul Lateef having been assigned a similar role has been granted bail in CrI. Bail Application No.351/2016 vide order dated 29.8.2017 by this Court. The injuries sustained by PW Muhammad Ayoub do not fall within prohibitory clause under section 497(1), Cr.P.C, which as per doctor's opinion fall under Section 337-F(i) and 337-F(iii), PPC.

Complainant has been served but he has chosen to remain absent.


Learned ADPP for the State has not been able to controvert the above fact and has conceded that the rule of consistency is applicable.

I have considered submissions of the parties and have perused the record. Apart from applicant, co-accused Abdul Lateef has been assigned a specific role of causing firearm injuries to PW Mumtaz, whose bail has been confirmed by this Court, as pointed above. In the



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circumstances, the learned defence Counsel has rightly argued that the rule of consistency is applicable. More so, the injuries attributed to the applicant do not fall within prohibitory clause under Section 497(1) Cr.P.C. Accordingly, interim pre-arrest bail granted to the applicant on 30.11.2017 is confirmed on same terms and conditions.

Bail application stands disposed of.


JUDGE 07/03/2018