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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
B.A. No.S-554 of 2012

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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06.3.2013.

For Hearing.

Mr. Muhammad Afzal Jagirani, advocate for applicant.

Mr. Ameer Ahmed Narejo, State Counsel.

The applicant has moved this bail application pursuant to the F.I.R registered as crime No.19/2012 at P.S Gerelo, for offence under Sections 302, 324, 337-D, 337-H(2), 452, 34, P.P.C.

In terms of the prosecution case, the brief facts are that on 21.8.2012 complainant Muhammad Juman Kalhoro lodged F.I.R, stating therein that on 21.8.2012, at nighttime while he was asleep in his house situated in Village Sanwal Kalhoro, Taluka Bakrani, alongwith his sons Zulfiqar Ali, Ayaz Ali, Irshad Ali, and Javed Ali and other house inmates, when at about 1.00 a.m., (night) they woke-up and in the light of electric bulbs and torchlight they saw accused persons, namely, Ghulam Nabi Abro, Muhammad Qureshi, Fazurabi Siyal, all three armed with pistols, accused Nisar Qureshi, armed with Repeater, Mukhtiar, Akhtiar, all by caste Chandio, armed with guns, accused Faheem Siyal, armed with gun, available in the house. It is alleged that accused Ghulam Nabi Abro and Muhammad Qureshi made straight fires at complainant's son Irshad Ali with intention to kill him, who fell down on the cot, accused Fazurabi fired at Mst. Hajani, daughter-in-law of complainant, who also fell down. The remaining accused persons allegedly made fires in air with intention to harass the complainant party. On the cries of complainant party, all the accused persons fled away making aerial firing.

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It is contended by the learned Counsel for the applicant that in the instant case co-accused Akhtiar Ali were granted bail by the Court of learned II-Additional Sessions Judge, Larkana, whose case is similar to that of the present applicant, as it is a case of aerial firing so far the present applicant is concerned. Learned Counsel further submits that no specific role has been assigned as far as the present applicant is concerned.

Learned State Counsel on the question of consistency concedes that one co-accused, namely, Akhtar Ali was granted bail in terms of order dated 15.12.2012 by the learned II-Additional Sessions Judge, Larkana and the role of present applicant is also similar to that of Akhtiar Ali. Hence, following the rule of consistency the applicant is granted bail subject to furnishing solvent surety in the sum of Rs.300,000/- and P.R bond in the like amount to the satisfaction of the trial Court.


JUDGE