

ORDER SHEET

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IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Cr. Bail Appln. No. S- 321 of 2016.

Date

Order with signature of Judge.

For hearing.

18.11.2016.

Mr. Shahbaz Ali M. Brohi, advocate for the applicant.

Mr. Sardar Ali Shah, A.P.G.

Mr. Faiz Mohammad Larik, advocate for the complainant.

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Muhammad Iqbal Kalhoro-J.:- By means of this application, the applicant is seeking post arrest bail in Crime No.64 of 2014 registered U/Ss 395, 457, 337-H (2) & 34 PPC at P.S Rustam District Shikarpur.

In the F.I.R in all 10 accused are mentioned. The allegations against the accused including the applicant are that on the night of 06.8.2014 at about 3.00 a.m they, after committing trespass in the house of the complainant, committed robbery of one buffalo and 5 sheep.

After registration of F.I.R, in the investigation the applicant was found innocent and was let off accordingly, however, learned Magistrate concerned did not agree with such report and took cognizance against the accused vide order dated 18.9.2014 and in terms whereof issued N.B.Ws against him. Applicant was arrested on 21.5.2016. His case for bail is that he has been implicated in this case out of murderous enmity with the complainant party which is even otherwise admitted in the F.I.R. His counsel has supported his arguments with the case laws reported in 2014 Y.L.R 660, 1999 P.Cr.L.J 944 and 2007 P.Cr.L.J 302.

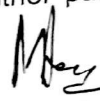
Learned counsel for the complainant on the other hand has argued that the applicant is nominated in the F.I.R and against him several F.I.Rs are registered; that he was absconder for almost two years and sufficient material is available on record against him.

Learned A.P.G has also opposed grant of bail to him.

I have considered the submissions and perused the case laws

backdrop of ongoing enmity between the parties can not be brushed aside summarily. Applicant is behind bars since his arrest and the record shows that challan has been submitted, therefore, he is no more required for further inquiry. In these circumstances, his incarceration in the jail is of no benefit to the prosecution. Accordingly, this bail application is allowed. Applicant is granted bail in the sum of Rs.100,000/= and P.R bond in the same amount to be executed before the trial Court to its entire satisfaction. The trial Court is directed to separate the case of the applicant from the absconders and proceed with the trial expeditiously and conclude it preferably within three months and submit its report.

The bail application is disposed of in above terms. The findings recorded are tentative in nature and would not prejudice either party in the trial.


JUDGE 18-11-2016