

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Criminal Bail Application No.D-46 of 2021.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objections.

For hearing of main case.

17.11.2021.

Mr. Ghulamullah Chang and Mr. Ahmed Nawaz H.M. Chang advocates for the applicant.

Mr. Nazar Muhammad Memon, Additional Prosecutor General.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Applicant alongwith other 20/22 male and 15/16 female members of his village allegedly attacked on police station Tando Muhammad Khan on 01.08.2021 at about 2100 hours to get accused Sajid Ali released from the lockup who was arrested by police in Crime No.226/2021, under Section 5-A GORD, 294-B, 147, 148, 149, 504, 353 PPC. It is alleged that in the course of attack the accused damaged equipment, appliances available at police station and broke lockup gate and a car which was the case property present at the police station. Applicant and other co-accused were identified by the police and have been named accordingly in the FIR.

All the accused nominated in the FIR have been granted pre-arrest bail by learned trial Court through the same order rejecting however, bail of the applicant only on the ground that he is shown to have torn uniform of a police constable. Except that no distinction between his role and role of co-accused burdened with the same allegations has been identified by learned trial Court. The case has been challaned and investigation is over. Admittedly, applicant is no more required for further investigation. Learned defence counsel has reiterated the same facts and grounds in his arguments which have been opposed by learned APG. However, we see that all the co-accused nominated and burdened with the allegations of assaulting at police station have already been granted bail. Main part of the story is attack on police station and not what happened during which. But learned trial Court considering that no specific role has been attributed to co-accused and they

are cooperating investigation has already extended relief of pre-arrest bail to them. We, therefore, considering the case of the applicant on the same footings, deem rule of consistency duly attracted in this case, and allow him bail subject to furnishing a solvent surety in the sum of Rs.100,000/- (one lac) and P.R. bond in the like amount to the satisfaction of learned trial Court.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits. The application is disposed of accordingly.

JUDGE

JUDGE

Irfan Ali