

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**

Present:-  
**MR. Justice Muhammad Iqbal Kalhoro J.**  
**Justice Mrs. Kausar Sultana Husain J.**

**Cr. Bail Appl Nos.534 of 2024**  
**(Muhammad Afzal & others vs. The State)**

**For hearing of Bail Application.**

**08.04.2024**

Mr. Khawaja M. Azeem, Advocate for applicants  
Mr. Ali Haider Saleem, Addl: PG Sindh a/w IO Abdul Ghaffar  
Lashari

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** When an anti-encroachment operation was carried out in Manghiopir, Surjani Town by Government officials including Mukhtiarkar Manghopir, Aijaz Chandio, Tapedar Hussain Bux Jawar and excavator machine driver Alam Shah & another, they were intervened by a mob, who starting pelting stones to them. Some of people in the mob were identified and have been named in FIR, whereas, 35/40 people are shown as unidentified. It is alleged that in the course of operation people from mob fired at anti-encroachment party injuring above named persons. Subsequently Mukhtiarkar succumbed to his injury and died, hence, FIR.

2. After 28 days of FIR applicants were arrested in some other crime and on the basis of their admission before the police were arraigned in the present case and are since then in jail. Their names do not appear in FIR. The only evidence against them collected during investigation was a USB recording the incident which prosecution claims identifies applicants to be present there being a part of the mob. Today, the report of USB has been submitted in terms of previous order and according to it, the faces of the accused in the USB are not identifiable. Further, it is submitted by the IO that one witness Qazi Farooq has been examined by the trial Court and he has not identified the applicants.

3. Citing the above facts and grounds, learned counsel in defence has pleaded for bail, which has been opposed by learned Addl: Prosecutor General, however, he has not pointed out any *prima facie* evidence so far collected by the prosecution connecting them with the offence.

4. We in consideration of such a situation find the applicants entitled to the concession of bail as their case requires further enquiry. Consequently, we allow this bail application and grant bail to the applicants subject to their furnishing a solvent surety in the sum of Rs.100,000/- each and P.R bonds in the like amount to the satisfaction of Nazir of this court

5. The bail application is disposed of in the above terms. Needless to mention here that the findings made hereinabove are tentative in nature and would not prejudice case of either party at trial.

**J U D G E**

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Rafiq/P.A.