

103

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

1st Criminal Bail No.S-647 of 2024

1st Criminal Bail No.S-683 of 2024

Asghar Ali Gopang and others

V/S

The State

Applicants: Through Mr. Roshan Ali Jokhio,
Advocate

Complainant: Abdul Karim, present in person.

State: Through Mr. Ali Anwar Kandhro,
Additional Prosecutor General, Sindh.

Date of Hearing: 13.01.2025

Date of Decision: 13.01.2025

ORDER

Omar Sial, J.- Applicants Asghar Ali, Mehboob and Zameer Hussain have been nominated accused in the F.I.R. No.346/2024, registered under sections 324, 147, 148, 337-A(i), 337-F(i), 504P.P.C at Police Station Kamber City. Their earlier application seeking bail was dismissed by the Additional Sessions Judge-II, Kamber, vide order dated 17.10.2024.

2. A background to the case is that the F.I.R. mentioned above was registered on 12.10.2024 on the complaint of Abdul Karim Gopang. Gopang recorded that his father and paternal uncle, Haji Gulab and Mir, respectively, have an inheritance dispute. On 09.10.2024, Mir and his four sons (that included the applicants Asghar, Mehboob, and Zameer) arrived at the land owned by Haji Gulab, where after an exchange of hot words, a scuffle ensued. Mir, Mehboob, Zamir, Niaz, and Asghar all hit Haji Gulab with the cudgels they carried. The blow inflicted by Mir, fractured the Haji's arm.

08

3. I have heard the learned counsel for the applicants and the learned Additional Prosecutor General who was assisted by the complainant. My observations and findings are as follows.

4. I have been informed that Mir Muhammad Gopang, who is accused of hitting Haji Gulab on his left arm, which apparently, due to the blow, was fractured, and thus Section 337-F(v) P.P.C was added to the challan, has already been granted by the learned Additional Sessions Judge-II, Kamber. The State or the complainant has not challenged the grant of bail. On the ground of consistency, the applicants are also entitled to the concession as their role is similar, i.e. beating Haji Gulab. The fracture, however, has been attributed to Mir.

5. The sections the applicants are charged with are all (except section 324 P.P.C.) bailable, where bail should have been granted as of right. Since the parties are closely related and there has been friction between them over inheritance, malafide in throwing the net wide and exaggerating the facts of what transpired cannot conclusively be ruled out at this preliminary stage.

6. Given the above, the interim bail before arrest, earlier granted to the applicants, is hereby confirmed on the same terms and conditions.


13/1/25
JUDGE

Manzoor