

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO
Cr. Bail Appln. No. S-653 of 2024

Date	Order with signature of Judge
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1. For order on office objection.
2. For hearing of bail application.

15-01-2025

Mr. Kamran Ahmed R. Gorar, advocate for the applicant

Mr. Ali Anwar Kandhro, Additional Prosecutor General for the State

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Repeat notice to complainant. Issue notice to I.O of the case, who should be present in person on the next date of hearing along with entire record of this case. Adjourned to 03.02.2025.


Judge

Hs/Bail


Abdul Salam/P.A

- 1- For order on office objection - A
- 2- For hearing of Bail Application

- Notice issued to complainant and I.O of the case.

03.02.2025

- Mr. Kamran Ahmed Gorar Adv. for the Applicant.
- Mr. Ali Anwar Kandhro, P.G.
- Complainant present in person.
- Arguments heard. Reserved for Order.


Judge

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

1st CrI. Bail Application No.S-653 of 2024

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection.
2. For hearing of Bail Application.

Mr. Ahmed Bux Abro, advocate for the applicant.
Mr. Aitbar Ali Bullo, Deputy Prosecutor General.

Date of Hearing : 03.02.2025.
Date of decision : 17.02.2025.

ORDER

Omar Sial, J.- Saddam Shaikh has sought post-arrest bail in crime number 101 of 2023 registered under sections 302, 324, 114, 337-F(iii), 148, and 149 P.P.C. at the Taluka police station.

2. The F.I.R. was registered on 19.12.2023 on the complaint of Shaman Shaikh. Shaman reported that on 18.12.2023, he, Sajid, Tajul, and Jalaluddin were on their way to the vegetable market when they were intercepted by five men riding two motorcycles. One of the men, identified as Arbab Shaikh, instigated the others, and another named Imran fired upon Sajid with the Kalashnikov that he was armed with. The applicant, Saddam, was also identified as one of the assailants, and he fired upon the complainant's right forearm with his gun. The two unidentified persons also opened fire on Sajid with the pistol and repeater gun they carried. Sajid subsequently died. It is essential to clarify that the English translation of the F.I.R. is incorrect. The translation shows that the shot fired by the applicant hit the complainant's nephew, while the actual F.I.R. in Sindhi reflects that the applicant's fire hit the complainant, Shaman Ali, on his arm and not his nephew, Sajid. The counsel is cautioned to ensure that an accurate translation is always put on record.

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3. The learned counsel for the applicant has primarily stressed that the fire allegedly shot by the applicant hit the complainant on his arm, and thus, he should be held liable for only that injury. The counsel argued that it was co-accused Imran who had fired at and injured Sajid in his stomach, thereby causing his death. The other grounds raised by the learned counsel were the delay in registering the F.I.R. and that a co-accused, Arbab Shaikh, had been granted bail and, thus, the applicant deserved the same concession.

4. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General. The complainant was present but did not wish to engage a lawyer. My observations and findings are as follows.

5. It is pertinent to mention that the learned counsel for the applicant did not deny the applicant's presence on the spot or his act of firing on the complainant. Co-accused Imran made the fire that caused Sajid's death. Sajid sustained no injury from the fire made by the applicant. Upon a tentative assessment, the applicant may be guilty of an offense under section 324 P.P.C. and/or section 337-F(iii) P.P.C. Both carry a sentence that falls within the non-prohibitory clause of section 497 Cr.P.C. Whether the applicant can also be held vicariously liable for the shot fired by Imran will have to be determined after the trial court has had an opportunity to record and evaluate evidence.

6. Although I believe that the applicant has made a case for a grant of post-arrest bail, I will still address the counsel's submissions made. Arbab Shaikh was accused of instigating the accused, whereas the applicant was nominated for the specific role of shooting at the complainant. Their roles are different; therefore, the ground of consistency is unavailable to the applicant. The incident occurred at 3:30 a.m. The F.I.R. was registered at 2:00 p.m. on the next day. There is a delay in the registration, but upon a tentative assessment, at this bail stage, the delay is not of such nature that would raise doubts about whether the incident and the actors participating were manipulated.

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9. Given the above, the applicant is admitted to post-arrest bail against a surety of Rs. 500,000 and a P.R. Bond in the same amount to the trial court's satisfaction. The complainant has complained of intimidation by the accused party. Therefore, the applicant is prohibited from contacting the complainant or his family directly or indirectly. If this condition is breached, the learned trial court may cancel the concession granted herein upon the complainant's evidence of such breach.


17/2/25
JUDGE

Applicant D/o case

Qazi Tahir PA*

1st FW return in MA No. 1830/25 (u/s)
2nd FW return in MA No. 1833/25 (application)
