

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

1st Criminal Bail No.S-246 of 2022

**Zaman Zaib Jatoi & another
V/S
The State**

Applicants: Through M/s. Ali Nawaz Ghanghro and
Javed Ahmed Soomro, Advocates

State: Through Mr. Khalil Ahmed, D.P.G.

Date of Hearing: 10.06.2022

Date of Decision: 10.06.2022

ORDER

Omar Sial, J.- Applicants Zaman Zaib and Hadi Bux, both sons of Sikandar Khan Jatoi, seek Bail Before Arrest in Crime No.21 of 2022, registered under sections 324, 337-H2, 452, 506/2, 148, 149 P.P.C.at the Kanga Police Station. Earlier their application seeking bail was dismissed by the learned 1st Additional Sessions Judge, Larkana, vide order dated 13.05.2022.

2. A background to the case is that the aforementioned F.I.R. was registered on the complaint of Amir Zaib Jatoi on 08.05.2022. Amir Zeb recorded his family has an on-going dispute over a tract of land with his uncle Sikander Khan Jatoi, who is the father of the applicants. Earlier that day the complainant alongwith one Abdullah and Riaz were sitting in their otaq when two vehicles came on the scene. From one vehicle disembarked Sikandar Khan Jatoi alongwith the two applicants whereas from the other vehicle four unknown people disembarked. All of them were armed with Kalashnikovs. Sikandar Khan and the two applicants opened fire on the complainant party whereas their companions resorted to aerial firing. The complainant ran from his otaq into his house, where allegedly also he was fired upon. The applicants along

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with the others left the scene while extending murderous threats and resorting to aerial firing.

(3)

3. I have heard the learned counsel for the applicants and the learned DPG. None effected an appearance for the complainant though he was duly served on 17.05.2022. My observations and findings are as follows.

4. The story as narrated in the F.I.R. in itself *prima facie* requires further enquiry. Upon a tentative assessment it appears odd that seven armed men, out of whom at least 3 opened fire on the complainant party from a close range with the intent of killing the complainant, but that not even one bullet hit any member of the complainant party. *Prima facie* it appears that if 7 men with automatic assault rifles had come to kill the complainant there was nothing stopping them from doing so. The learned DPG very candidly acknowledged that this is a case of ineffective firing and that in a number of cases bail has been granted by both the High Courts and the Honorable Supreme Court. Of course it is the learned trial court which will finally decide the matter when it has had the opportunity of analyzing the evidence presented before it. The fact that there is an admitted enmity between family members over property, malafide on the part of the complainant in roping in his uncle and cousins cannot, at this preliminary stage be conclusively ruled out.

5. In view of the above, the bail before arrest earlier granted to the applicants is hereby confirmed on the same terms and conditions.

OS
29/6/22
JUDGE

Manzoor