

ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Bail Appln. No. S-397 of 2016

Date

Order with signature of Judge

For hearing of bail application.

29-08-2017

Mr. Habibullah G. Ghouri, advocate for the applicant.

Mr. Muhammad Sharif R. Awan advocate for the complainant.

Mr. Gada Hussain Abro, DDPP.

For the reasons to be recorded later-on, applicant Ghulam Shabbir is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- and P.R bond in the like amount to the satisfaction of the trial court.


Judge

Algha Galem P.A

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

Crl. Bail Appln. No. S- 397 of 2016.
Crl. Bail Appln. No. S- 61 of 2017.

Date of hearing	Order with signature of Judge
29.08.2017.	

Mr. Habibullah G. Ghouri, Advocate for applicant Ghulam Shabir.
Mr. Himath Ali Gadehi, Advocate for applicant Rasheed alias Abdul Rasheed.
Mr. Muhammad Sharif R. Awan, Advocate for complainant.
Mr. Gada Hussain Abro, DDPP.

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Omar Sial, J: Applicants Ghulam Shabir and Rasheed alias Abdul Rasheed have sought post arrest bail in Crime No.105 of 2016 registered under Sections 302, 337-A (i), 337-A (ii), 337-F (i), 147, 148, 149 and 504 PPC at the K.N. Shah Police Station. Earlier their bail applications were dismissed by the learned Sessions Judge, Dadu and learned 2<sup>nd</sup> Additional Sessions Judge, Mehar, vide their respective Orders dated 03.08.2016 and 22.11.2016.

Brief facts of the case are that on 26.6.2016 one Fakir Mohammad lodged the aforementioned FIR stating therein that earlier that day he had gone to the land of his cousin Ghulam Akbar along with his cousin Ghulam Mustafa and his son Ghulam Rasool and one other named Rasool Bux. At about 5:00 p.m. accused Ghulam Shabbir (armed with a gun), Rajib (armed with a hatchet) Fida Hussain, Rasheed and Liaquat (all holding cudgels) arrived on the scene and exchanged harsh words with Ghulam Akbar over the issue of water rotation. Rajib then hit Ghulam Akbar with his hatchet whereas all the accused person then hit him with whatever they carried. The complainant party took Ghulam Akbar for medical treatment and subsequently he expired.

I have heard the learned counsel for the applicants as well as the complainant and the learned DDPP. I have also examined the record with their assistance. My observations are as follows.






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Accused Rajib has been attributed the blow with the hatchet which apparently was the fatal blow whereas general allegations are raised against all other accused of causing butt blows. Whether a common intention was shared by the applicants with principal accused Rajib will have to be determined after evidence is led. The incident occurred on 26.6.2016 but the statements of the witnesses were not recorded till 01.7.2016. No explanation for the delay in this regard is still on record. No post mortem report was produced by either the learned DDPP or the counsel for the complainant. The case of the applicants thus warrants further inquiry.

Above are the reasons for my short order of 29.8.2017, in terms of which the Applicants were admitted to bail subject to their furnishing solvent sureties in the amount of Rs.100,000 (One hundred thousand rupees) each and P.R Bonds in the like amount subject to the satisfaction of the trial Court.

It is worth to mention that observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

  
JUDGE 31/8/17

Ansari/\*