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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cr. Bail Appln. No S- 680 of 2023.

Date of hearing

Order with signature of Judge.

Applicant : Dittal Narejo, through Mr. Ghulam Rasool M. Narejo,
Advocate.
The State : Through Mr. Aitbar Ali Bullo, DPG.
Complainant : present in person.
(Abdul Karim Narejo)

Date of hearing : 18.04.2024.

ORDER.

Muhammad Saleem Jessar, J.- Applicant Dittal son of Qasim alias Muhammad Qasim Narejo, seeks his release on post arrest bail in Crime No.08/2023, registered with Police Station K.T. Mumtaz, District Larkana, under Sections 324, 337-A(ii), 337-A(i), 337-F(i), 109, 337-F(v), 148, 149, PPC. The case has been challaned, which is now pending for trial before the Court of Assistant Sessions Judge, Ratodero vide Sessions Case No.769/2023 re-The State v. Fateh Muhammad Narejo & others. The applicant filed bail application before the trial Court, which by order dated 08.11.2023 was declined; hence instant bail application has been maintained.

2. Before arguing the bail application, learned Counsel for the applicant places on record certified copy of case diary of the trial Court dated 16.04.2024, showing that the applicant or anybody acting on his behalf are not responsible for not proceeding with the trial, taken on record. Learned Counsel for the applicant submits that co-accused Farooque, Muhammad sultan, Millan and Fateh Muhammad have already been granted bail by the trial court as well as by this Court and the case of applicant is at par with them, therefore, is also entitled for same concession. He next submits that role attributed to the applicant is that he caused lathi injury to injured Lutifullah on non-vital part of his body; besides, said injury has not been declared by the Medico-legal Officer to be detrimental to the life of injured; hence, he prays for grant of bail to the applicant. In support of his contentions, he places reliance upon the cases reported as *Beejal and another v. The State* (2014 PCr.LJ 261) and *Jamaluddin and another v. The State* (2023 SCMR 1243).

3. On the other hand, learned DPG opposes the bail application, on the grounds that the applicant is nominated in the FIR with specific role of causing

lathi injury to injured Lutifullah; besides, co-accused Imamuddin and Muhammad Qasim, after their release on bail, have jumped away, therefore, he apprehends that the applicant may also misuse the concession, hence opposes the bail application. 80

4. The complainant/injured Abdul Karim present in person also opposes the bail application, on the ground that the applicant has caused lathi blows to injured Lutifullah; hence, he is not entitled for grant of bail and prays for dismissal of instant bail application.

5. Heard arguments and perused the record.

6. Per FIR, in all 12 accused have been nominated by the complainant. Co-accused Abdul Nabi, Muhammad Ismail, Muhammad Qasim, Fareed, Aslam and Imamuddin have been declared proclaimed offenders and out of them, co-accused Aslam (since proclaimed offender), who was armed with Kalashnikov, had fired upon the complainant party aims to commit their *qatl-i-amd* and only one was proven to be effective; however, the applicant along with co-accused Imamuddin and Muhammad Qasim jointly caused lathi blows to maternal uncle of the complainant, namely, Lutifullah(injured), which hit to him on his back as well as other parts of the body. The injury allegedly sustained by injured Lutifullah at the hands of the applicant has been declared by the Medico-legal Officer to be bailable. The injury assigned to the applicant has not been declared to be detrimental to the life of injured; besides, the co-accused having similar role have already been bailed out by the trial Court as well as by this Court; hence, the case of applicant is at par with them, therefore, the propriety of law demands that the applicant should also be extended same treatment. In the circumstances and in view of dicta laid down by this Court in the case of *Master Dur Muhammad and 2 others v. The State* (1994 PCr.LJ 1669) and the case of *Khalil Ahmed Soomro v. The State* (PLD 2017 SC 730), the case of the applicant is fully covered by sub-section (2) to Section 497, Cr.P.C and requires further enquiry.

7. Upshot of above discussion is that the applicant has been able to make out a good *prima facie* case for grant of bail. Accordingly, instant bail application is hereby allowed. The applicant shall be released on bail subject to his furnishing solvent surety in the sum of Rs.50,000/- and P.R. Bond in the like amount to the satisfaction of trial Court.

JUDGE