

IN THE SUPREME COURT OF PAKISTAN
 (Appellate Jurisdiction)

Present:

Mr. Justice Qazi Faez Isa
 Mr. Justice Jamal Khan Mandokhail

Criminal Petition No. 132-K of 2021

(On appeal from the order of the High Court of Sindh Circuit Court Hyderabad dated 30.08.2021 passed in Crl. Bail Application No. S-528 of 2021)

Abdul Majeed Khaskheli

.... *Petitioner*

Versus

The State through PG Sindh

... *Respondent*

For the Petitioner:

Mr. M. Yousaf Laghari, Sr. ASC
 Mr. Ghulam Rasool Mangi, AOR

For the State:

Mr. Hussain Bux Baloch, Addl. PG
 Rukhsar Ahmad, SSP
 Muhammad Munir, DSP
 Allah Bachayo, IO

For the Complainant:

Muhammad Ayub, in person

Date of Hearing:

21.12.2021.

ORDER

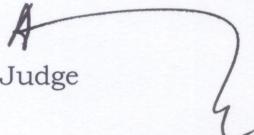
Qazi Faez Isa, J. Notice was issued to the State and to the complainant on 15 November 2021. Learned counsel for the petitioner states that five persons were murdered and five persons were nominated in the FIR, but the petitioner was not nominated in the FIR registered on 14 April 2021 at Police Station Umer Sand District Tando Allahyar. Thereafter, on a statement of the complainant, made on 20 May 2021, the petitioner was attributed the role of harboring the nominated accused and in the *challan* his name was added and common intention was attributed to him and he was charged under section 34 and section 212 of the Pakistan Penal Code. The said statement of the complainant, which has been read out, does not mention how the complainant came to know about the involvement of the petitioner and the learned counsel further submits that no one was arrested from the place of residence or any other place under the control of the petitioner and the reason for declining him bail was that a 12 bore repeater shot gun was recovered on his pointation, but place of such recovery is not mentioned. Concluding his submissions, learned counsel states that this is a case of further inquiry.



2. Learned Additional Prosecutor General along with the investigation officer opposes the bail and states that the impugned order is well-reasoned and the petitioner is not entitled to the concession of bail.

3. We have heard the learned counsel and with their assistance examined the record. Admittedly, the petitioner was not nominated in the FIR and the referred to subsequent statement of the complainant does not mention how he came to know about petitioner's involvement in the case and the place of recovery of the stated weapon is also not mentioned and none of the nominated accused are stated to have been shown to have been arrested from a place of the petitioner. All these factors when taken together make the case of petitioner one of further inquiry. Therefore, this petition is converted into an appeal and allowed and Abdul Majeed Khaskheli is allowed bail, subject to his furnishing bail bond in the sum of one hundred thousand rupees with one surety in the like amount, in respect of the abovementioned case to the satisfaction of the Trial Court.


Judge


Judge

Bench-I
Karachi:
21.12.2021
(K.Anees)

