

Order sheet
**IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD**

Cr. B.A. No. S- 939 of 2017

DATED	ORDER WITH SIGNATURE OF JUDGE
29.01.2018	

For orders on office objection
For hearing

Mr. G.M. Aafaq, advocate for applicant
Mr. Shahid Ahmed Shaikh, D.P.G.

OMAR SIAL, J.- The Applicant has sought post-arrest bail in Crime No. 66 of 2017 registered under Section 302, 34 P.P.C. at the Hali Road police station in Hyderabad. Earlier her post arrest bail application was turned down by the learned Sessions Judge, Hyderabad on 17-10-2017.

2. The F.I.R. in this case has been lodged on behalf of the State by A.S.I. Mohammad Aslam Solangi. He stated that on 31-5-2017 while he was on duty at the police station he was informed on the phone about a seriously injured person lying on the ground on the Auto Bhan Road near Fateh Textile Mills. The complainant departed for the identified spot but it appears that he was informed enroute that the injured had died. Accordingly, he reached the morgue of Bhitai Hospital where he saw the corpse. Upon inquiry it transpired that the corpse was of one Syed Saqib Ali Shah. From the mobile phones recovered from the dead, his heirs were located and informed of his death. On 1-6-2017, the father of the deceased appeared to claim the body and told the police that his son had come from Rawalpindi to Hyderabad by bus to look for a job and an unknown person had killed him. The father recorded that neither does he have a dispute with anybody nor does he suspect anybody. The father then said that he was taking away the dead body to Rawalpindi and will not return. He declined to lodge an F.I.R.

3. I have heard the learned counsel for the Applicant and the learned D.P.G. The learned D.P.G. also argued on behalf of the complainant. Perused the record. My observations are as follows.

The Applicant is said to have married the deceased on 25-4-2016. The only evidence on record to link the Applicant with the crime is that the

call data record that the investigating officer obtained showed that the Applicant and co-accused Umair had made phone calls from different SIMs but using the same phone set on 22-5-2017 and 25-5-2017. The deceased had died on 31-5-2017. In view of the evidence available on record at the moment, the case of the Applicant falls within the ambit of section 497 Cr.P.C. and is thus one of further enquiry. Some leniency is also given on the account of her gender.

Above are the reasons of my short order dated 29.01.2018, whereby the Applicant was admitted to post arrest bail subject to her furnishing a solvent surety in the amount of Rs. 100,000 and P.R. Bond in the like amount to the satisfaction of the trial court.

JUDGE

karar_hussain /PS*