

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

CrI. Bail Appln: No.S-1150 of 2017.

Naveed Hussain alias Aqeel.Applicants.

Versus.

The State.Respondents.

Mr. Karim Bux Rind, Advocate for the Applicant.

Mr. Shahid Ahmed Shaikh, DPG.

Syed Ahmed Ali Shah, Advocate for the complainant.

Date of hearing and order 20.06.2018.

O R D E R

IRSHAD ALI SHAH, J. It is alleged that the applicant with rest of the culprits by committing trespass into house of house of complainant Ashrafuddin by night committed robbery of his belongings as is detailed in his FIR, for that the present case was registered.

2. On having been refused post-arrest bail by the learned trial Court, the applicant has sought for the same from this Court by making the instant bail application under section 497 Cr.P.C.

3. It is contended by the learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party on account of previous enmity, there is delay of one day in lodging of FIR, the identity of the applicant under the light of bulb is weak piece of evidence, the money and crime weapon have been foisted upon the applicant. By contending so he sought for release of the applicant on bail, as according to him his case is calling for further inquiry. In support of his contention, he relied upon the cases of **Shehzore and another v. The State (2006 YLR 3167)**, (2) **Ahmedo v. The State**

(2013 MLD 1249) and (3) Muhammad Iqbal v. The State (2009 YLR 1702).

4. It is contended by the learned counsel for the complainant that the applicant is neither innocent nor has been involved in this case falsely by the complainant. By contending so he sought for dismissal of instant bail application.

5. Learned APG has supported the impugned order.

6. I have heard learned counsel for the parties and perused the record.

7. The FIR of the incident has been lodged with delay of one day, that too after due consultation with elders, such delay and consultation could not be lost sight of. The identity of the applicant is based under the light of bulb, which is a weak piece of evidence. Significantly, there is no disclosure of bulb in mashirnama of place of incident. The recovery of robbed money to some extent and crime weapon from the applicant on 7th day of his arrest apparently is entailing the possibility of foistation. The applicant is in custody since eight months. In these circumstances, it is rightly being contended by learned counsel for the applicant that he is entitled to be released on bail as his case is calling for further inquiry.

8. In view of above and by relying upon the case law referred by the learned counsel for the applicant, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.50,000/= (Fifty thousand) and PR bond in the like amount to the satisfaction of learned trial Court.

9. The instant bail application stands disposed of in above terms.

J U D G E