

Order Sheet  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD

**Criminal Bail Application No. S- 246 of 2019**

Muhammad Moosa ----- Applicant.

Vs.

The State ----- Respondent

Date of Decision: 28.06.2019

Mr. Mian Taj Muhammad Keerio, advocate for applicant  
Mr. Shahid Ahmed Shaikh, D.P.G.

**ORDER**

**IRSHAD ALI SHAH, J:** - It is alleged that the applicant with rest of the culprits in furtherance of their common intention committed Qatl-e-amd of Mst. Jameelan and Mst. Nasreen by causing them hatchet blows by suspecting them to be 'karis', for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Additional Sessions Judge, Khipro has sought for the same from this Court by way of instant bail application u/S 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police at the instance of his opponents who are the actual culprits of

the incident. The FIR has been lodged with delay of 01 day and co-accused Allah Dino with almost similar role has already been let off by the police. By contending so, he sought for post arrest bail for the applicant on point of further inquiry. In support of his contention, he relied upon case of ***Muhammad Azeem v. The State (2008 SCMR 249)***.

4. Learned A.P.G. for the State has opposed to the grant of bail to the applicant by contending that the applicant has committed murder of two innocent ladies under the pretext of `karap`. In support of his contention, he relied upon case of ***Muhammad Altaf and others v. The State (2010 SCMR 1861)***.

5. I have considered the above arguments and perused the record.

6. The name of the applicant is appearing in FIR with specific allegation that he with rest of the culprits committed Qatl-e-amd of Mst. Jameelan and Mst. Nasreen by causing them hatchet injuries. The specific role of committing death of Mst. Jameelan by causing her hatchet injuries being his step daughter is attributed to the applicant. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the police at the instance of his opponents and / or instead of real culprits. On arrest, from the applicant has been secured incriminating hatchet, such recovery from him could not be overlooked. It is true that there is delay of 01 day in lodgment of the FIR but there could be made no denial to the fact that same has been explained in FIR itself. The delay in

lodgment of FIR even otherwise could not be resolved by this Court in favour of the applicant at this stage. No doubt co-accused Allah Dino has been let off by the police finding him to be innocent. Nothing has been brought on record which may suggest that the applicant too is innocent. In that situation, it could be concluded safely that the case of the applicant is distinguishable to that of co-accused Allah Dino. Indeed there appear reasonable grounds to believe that the applicant is guilty for the offence with which he is charged.

7. The case law which is relied upon by learned counsel for the applicant is on distinguishable facts and circumstances. In that case the applicant was found to be innocent by the police and he then was summoned by the court on the basis of private complaint. In the instant case neither the applicant has been found to be innocent by the police nor was he summoned by the court on the basis of private complaint.

8. In view of above, it is concluded safely that the case of applicant is not calling for further inquiry which may justify admitting him to post arrest bail. Consequently, instant bail application is dismissed.

**JUDGE**