

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

Criminal Bail Application No.S- 399 of 2019

Muhammad Umer ----- Applicant

Vs.

The State ----- Respondent

Date of Decision: 28.06.2019

Mr. Hussain Bux Solangi, advocate for applicant
Mr. Shahid Ahmed Shaikh, Deputy Prosecutor General, Sindh.

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 Sikandar Ali by causing him fire shot injuries, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned 1st Additional Sessions Judge / MCTC, Mirpurkhas 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 complainant party in order to satisfy their old enmity with him. There is 01 delay in lodgment of FIR and the role attributed to the applicant in commission of incident is only to the extent of instigation. By

contending so, he sought for post arrest bail for the applicant on point of further inquiry. In support of his contention he has relied upon the case of ***Darhoon v. The State (2018 YLR note 228)***.

4. Learned A.P.G. for the State has opposed to the grant of post-arrest bail to the applicant by contending that he is vicariously liable for the commission of incident.

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

6. There is 01 day delay in lodgment of FIR, same could not be overlooked. The specific role of committing death of deceased Sikandar Ali by causing him fire shot injuries is attributed to co-accused Gul Muhammad, Talib and Asad. The applicant at the time of incident was found to be empty handed and the role attributed to him in commission of incident is only to the extent of instigation. The parties are already disputed, therefore, the vicarious liability on part of the applicant obviously is calling for further inquiry.

7. In view of above, the applicant is admitted to post arrest bail subject to his furnishing surety in the sum of Rs.2,00,000/- and PR bond in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of in above terms.

JUDGE