

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Cr.B.A.No.S-374 of 2019

| DATE | ORDER WITH SIGNATURE OF JUDGE                                |
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|      | For orders on office objection.<br>For hearing of main case. |

05.08.2018.

Mr. Raja Hans Raj, Advocate for applicant.  
Ms. Safa Hisbani, A.P.G for the State.  
Mr. Ch. Aftab Ahmed Warraich, Advocate for the  
complainant.

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**Irshad Ali Shah J;**- It is alleged that the applicant with rest of the culprits in furtherance of their common intention have committed Qatl-i-Amd of Sadam Hussain and Nazar Muhammad by causing fire-shot injuries to them and then went away by issuing threats of murder to the complainant party, for that, present case was registered.

2. The applicant on having been refused post arrest bail by learned IInd. Additional Sessions Judge, Mirpur-khas has sought for the same from this court by way of instant application under section 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 enmity with him,

there is delay of about one day in lodgment of FIR and the applicant is in jail since long without any active progress in his case despite direction of this Court. By contending so, he sought for release of the applicant on bail on the point of further inquiry.

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to the grant of bail to the applicant by contending that the delay in lodgment of FIR has been explained plausibly, the applicant has actively participated in the commission of incident by causing fire-shot injury to deceased Nazar Muhammad and it is the applicant who is not allowing the case to be completed by withholding the right of his cross examination at least two witnesses.

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

6. The name of the applicant is appearing in the FIR with specific allegation that he with the rest of the culprits in furtherance of their common intention being armed with deadly weapons went over to the complainant party and then committed Qatl-e-Amd of Sadam Hussain and Nazar Muhammad by causing them fire-shot injuries. The specific role of causing fire shot injury with rest of the culprits to deceased Nazar Muhammad is attributed to the applicant. In that situation, it would be hard to

say that the applicant being innocent has been falsely involved by the complainant party in order to satisfy his enmity with him. No doubt, the delay of one day in lodgment of FIR is there, but same could not be resolved by this court at this stage. The delay in lodgment of FIR, even otherwise could hardly be made a ground for the release of the applicant on bail when the case has already proceeded to large extent. It is the applicant, who as per, learned APG for the State and learned counsel for the complainant is now allowing the case to be completed by withholding his right of cross examination at least to two of the witnesses. Such act on the part of the applicant could not be over looked. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. In view of the facts and reasons discussed above, it could be concluded safely that the applicant is not found entitled to be released on bail. Consequently, the instant application is dismissed.

JUDGE.