

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

Crl. Bail Appln: No.S-64 of 2018.

Abdullah. . . . . Applicant.

Versus.

The State. . . . . Respondent.

Mr. Imtiaz Ali Abbasi, Advocate for the Applicant.

Mr. Shahzado Saleem Nahiyoon, DPG.

Mr. Shaukat Ali Kaka, Advocate for the complainant.

Date of hearing and order 22.06.2018.

**ORDER**

**IRSHAD ALI SHAH, J.** It is alleged that the applicant with rest of two unknown culprit in furtherance of their common intention committed Qatl-e-Amd of Muhammad Ali by causing him fire shot injuries, for that he was booked in the instant case.

2. On having been refused post-arrest bail by the learned trial Court, the applicant has sought for the same from this Court by moving 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 to satisfy their grudge against him, the FIR has been lodged with delay of 13 hours, there is no independent witness to the incident, the complainant and his witnesses have contradicted each other on material points during course of their examination before the learned trial Court. By contending so, he sought for release of the applicant on bail, as according to him, there appear reasonable grounds to believe that he is not guilty for the offence alleged against him.

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 party, he was apprehended at the spot with crime weapon, the delay in lodging of FIR was natural, as the deceased in the first instance was taken to hospital in injured condition by the complainant party to save his life, the complainant and his witnesses during course of their examination before the learned trial Court have materially supported the case of the prosecution. By contending so, he sought for dismissal of the bail application of the applicant, as according to him, there appear reasonable grounds to believe that he is guilty of the offence, with which he is charged.

5. Learned APG has supported the impugned order.

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

7. The name of the applicant is appearing in the FIR with specific allegation that he with rest of two unknown culprits went over to the complainant party through his motorcycle, fired and injured Muhammad Ali with intention to commit his murder, who then died of the said injuries. The applicant was apprehended by the complainant party at the spot and from him was secured crime weapon then and there. In that situation, it would be hard to say that the applicant being innocent has been involved in this case falsely by the complainant party only to satisfy its previous grudge. No doubt there is delay of 13 hours in lodging of the FIR, but it is explained in the FIR itself as the deceased in the first instance was taken to hospital by the complainant party in injured condition with a view to save his life, which consumed time. The delay even otherwise, could not be resolved by this Court in favour of the applicant at this stage. Complainant and his witnesses have been examined before the learned trial Court and they have corroborated each other on

material point. There may not be any independent witness to the incident, but for this reason the complainant and his witnesses could not be disbelieved. They are appearing to be natural witness to the incident. The deeper appreciation of facts and circumstances even otherwise is not permissible at law while deciding the bail application. There appear reasonable grounds to believe that the applicant is guilty of the offence, for which he is charged.

8. No case for grant of bail to the applicant is made out. Consequently, the instant bail application is dismissed with an advise to the learned trial Court to expedite the disposal of the very case against the applicant.

JUDGE