

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

CrI. Bail Appln: No. S-211 of 2018.

Abdul Majeed. Applicant.

Versus.

The State. Respondent.

Mr. Muhammad Hashim Laghari, Advocate for the Applicant.

Ms. Sana Memon, APG.

Complainant present in person, however his counsel is not in attendance.

Date of hearing and order 14.06.2018.

O R D E R

IRSHAD ALI SHAH, J. It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object, by using criminal force caused hatchets and lathis blows to complainant Manzoor Hussain, P.Ws. Banhoon Khan, Sajjad Ali and Imdad Ali with intention to commit their murder and then went away by issuing threats of murder to them, 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 pendency of civil litigation, there is delay of eleven hours in lodging of FIR, the injury sustained by the complainant which is attributed to the applicant on examination by Medical Board, has been opined to be fabricated. 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 **Mst. Kareema v. The State (2012 YLR 2921)**, **Faisal Ayub v. The State and another (2013 YLR 2551)**. He also produced photocopy of F.C. Suit No.117/2016 (Abdul Majeed and others v. Province of Sindh and others).

4. Learned APG has raised no objection to grant of bail to the applicant by contending that the opinion of the Medical Board in respect of the injury sustained by the complainant could not be lost sight of.

5. The complainant has opposed to grant of bail to the applicant by contending that he has participated in commission of incident.

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 eleven days, such delay could not be lost sight of. The applicant has been attributed role of causing hatchet blow to complainant on his left little finger, such injury, as per Medical Board, is containing the possibility of fabrication. In that context, it is rightly being contended by the learned counsel for the applicant that the possibility of the involvement of the applicant in this falsely could not be lost sight of. The parties are disputed. Learned APG has recorded no objection to grant of bail to the applicant. In these circumstances, the applicant is founded entitled to be released on bail on the point of 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

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