

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S-927 of 2020

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

06.11.2020.

Mr. Ashique Hussain D. Solangi, Advocate for applicant.
Mr. Rafique Ahmed Dahri, advocate for complainant
Ms. Sana Memon, A.P.G for the State.

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Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprits at the instance of Mst. Sanam committed murder of her husband Khalid Hussain and then attempted to cause disappearance of evidence in order to save them from legal consequence by throwing his dead body on kacha path adjacent to Loni, for that the present case was registered.

2. The applicant on having been refused post arrest bail by the learned Additional Sessions Judge-I/MCTC Jamshoro @ Kotri has sought for the same from this Court by way of instant application U/S 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; the FIR of the incident has been lodged with delay of about four days; the complainant is not an eye witness of the incident and role attributed to the applicant in commission of the incident is

only to the extent of consultation, therefore, the applicant is entitled to be released on bail as his case is calling for further enquiry.

4. Learned A.P.G for the State and learned counsel for the complainant have sought for dismissal of instant bail application by contending that the applicant is vicariously liable for the commission of incident and the very case is ripe for evidence.

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

6. The FIR of the incident has been lodged with delay of about four days; such delay having not been explained plausibly by the complainant could not be overlooked. The complainant is not an eye witness of the actual incident and role attributed to the applicant in commission of incident as per FIR is only to the extent that he was consulted by rest of the culprits before committing the alleged incident. In these circumstances, the involvement of the appellant in this case on point of vicarious liability is calling for further inquiry.

7. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.100,000/-and PR bond in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa,