

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

Criminal Bail Application No.S-810 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections.
2. For hearing of main case.

23.11.2020.

Syed Ali Imran Shah, advocate along with applicants.

Ms. Sobia Bhatti, A.P.G for the State.

Mr. Asif Ahmed Laghari, advocate for complainant.

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ORDER

Irshad Ali Shah J:- It is alleged that the applicants with rest of the culprits after having been formed an unlawful assembly and in prosecution of their common object caused hatchet and lathi blows to PW Ghulam Murtaza with intention to commit his murder and went away by insulting complainant Pervaiz Ali, for that the present case was registered against them.

2. The applicants on having been refused post arrest bail by the learned 1st Additional Sessions Judge, Badin have sought for the same from this Court by way of instant application u/s 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy its dispute with them over landed property; the FIR has been lodged with delay of about 03 days; the offence alleged against the applicants is not falling within prohibitory clause of section 497(2) Cr.P.C and co-accused Bilawal and Ghulam Mustafa have already been admitted to bail and investigation of the case

is over. By contending so, he sought for post-arrest bail for the applicants on point of further enquiry.

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to grant of post arrest bail to the applicants by contending that they have actively participated in commission of incident.

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

6. The FIR of the incident has been lodged with delay of about three days, such delay having not been explained plausibly could not be overlooked. No injury to the injured is attributed to the applicant specifically. Whether injuries to the injured were caused by the applicants and others with intention to commit his murder? It requires determination at trial. Parties are already disputed over landed property. Co-accused Bilawal and Ghulam Mustafa have already been admitted to bail. The investigation of the case is over. In these circumstances, a case for grant of bail to the applicants on point of further inquiry obviously is made out.

7. In view of above, the applicants are admitted to bail subject to their furnishing surety in sum of Rs.50,000/- each and PR bonds in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa,