

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S-938 of 2020

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

30.11.2020.

Mr. Mohsin Ali Almani, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for the State.

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Irshad Ali Shah J:- It is alleged that present applicant with rest of the culprits in furtherance of their common intention committed *qatl-i-amd* of Jalauddin by causing him hatchets and lathies injuries, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Model Criminal Trial Court-II/IVth Additional Sessions Judge-1 Hyderabad 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 its old dispute with him; F.I.R has been lodged with delay of about one day; 161 Cr.P.C statements of PWs are recorded with

further delay of nine days even to F.I.R; the medical evidence is in conflict with the ocular evidence and identity of the applicant under the light of torch is a weak piece of evidence. By contending so, he sought for release of the applicant on bail on point of further inquiry.

4. Learned D.P.G for the State has opposed to grant of bail to the applicant by contending that he has actively participated in commission of incident.

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

6. The F.I.R of the incident has been lodged with delay of about 19 hours, such delay having not been explained plausibly could not be overlooked. The 161 Cr.P.C statements of the PWs have been recorded with further delay of nine days even to F.I.R which appears to be significant. The deceased as per post-mortem report has died within one to two hours after receipt of injuries. If it was so, then it belies the complainant in his F.I.R that the deceased has died instantaneously. No specific injury to the deceased is attributed to the applicant. The identity of the applicant under the light of torch even otherwise is appearing to be a weak

piece of evidence. The parties are already disputed. In these circumstances, guilt of the applicant obviously 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.200,000/- and PR bond in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of accordingly.

JUDGE

*Muhammad Danish Steno**