

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

Criminal Bail Application No.S-457 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.
<u>22.12.2020</u>	

Mr. Ali Nawaz Chandio, Advocate for the applicant.
Ms. Sobia Bhatti, Assistant Prosecutor General, Sindh.
Mr. Aijaz A. Awan, Advocate for the complainant.

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Irshad Ali Shah J.- It is alleged that the applicant with rest of the culprits in furtherance of their common intention not only committed murder of Jahangir but misappropriated his mobile phones and keypad, put his dead body in a iron box and then thrown it on National Highway in order to save themselves from legal consequences, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned IInd Additional Sessions Judge, 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 only for the reason that she once was legally wedded wife of deceased; the F.I.R has been lodged with delay of about three days, yet her name is not appearing therein even in further statement of the complainant she has not been ascribed as an accused, therefore, she could not be connected in commission of incident only for the reason that the blood samples collected from her residence have

been found matched with the blood marks of the deceased. By contending so, he sought for release of the applicant on bail pending trial on point of further inquiry. In support of his contention, he has relied upon case of ***Hidayat Khan Vs. The State and another (2020 SCMR 423)*** and ***Nouman Khan alias Roman Vs. The State and others (2020 SCMR 666)***.

4. Learned Assistant Prosecutor General, Sindh for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that she has facilitated the death of the deceased.

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

6. None has seen the applicant committing the alleged incident. The F.I.R of the incident has been lodged with delay of about three days which appears to be significant, even otherwise, the name of the applicant is not appearing therein. In these circumstances, the involvement of the applicant in commission of incident on the basis of her alleged extra judicial confession before police or similarity of blood marks secured allegedly from her house, with those of the deceased obviously is calling for further inquiry.

7. In view of above, the applicant is admitted to bail subject to her furnishing surety in sum of Rs.200,000/- (Rupees Two Lacs) 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*