

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

Criminal Bail Application No.S-977 of 2020

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DATE

ORDER WITH SIGNATURE OF JUDGE

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1. For orders on office objections.
2. For hearing of main case.

**24.12.2020**

Muhammad Sharif Solangi, Advocate for the applicant.  
Ms. Sobia Bhatti, Assistant Prosecutor General, Sindh for the State  
along-with complainant.

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**ORDER**

**Irshad Ali Shah J:-** It is alleged that applicant with rest of two unknown culprits in furtherance of their common intention caused fire shot injury to PW Muzafar Ali, with intention to commit his murder and then went away by insulting and threatening complainant Anwar Ali of his murder, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Additional Sessions Judge, Sehwan has sought for the same from this court by making instant application u/s: 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 grudge with him over possession of plot; the F.I.R has been lodged with delay of about two days and the complainant and his witnesses are related interse,

therefore, the applicant being old person is entitled to grant of bail on point of further enquiry.

4. Learned A.P.G for the State who is assisted by the complainant has opposed to grant of bail to the applicant by contending that he has actively participated in commission of incident by causing fire shot injury to the injured on his abdomen being vital part of his body with intention to commit his murder.

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

6. The name of the applicant is appearing in the FIR with specific allegation that he caused gunshot injuries to injured Muzafar Ali with intention to commit his murder. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party. On arrest from the applicant has been secured the gun which was allegedly used by him in commission of incident, such recovery could not be lost sight off. No doubt there is delay of about two days in lodgment of the F.I.R, but it is explained in F.I.R itself. The delay in lodgment of the F.I.R, even otherwise could not be resolved by this Court at this stage. The applicant may be an old person but this fact alone is not enough to enlarge him on bail. The complainant and his witnesses may be related interse but their relationship is not enough to disbelieve them at this stage. The deeper appreciation of facts and circumstances is not permissible at bail stage. Tentatively, there

appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. In view of the facts and reason discussed above, it could be concluded safely that the applicant is not found entitled to be released on bail. Consequently, his bail application is dismissed with direction to learned trial Court to expedite disposal of the case preferably within three months after receipt of copy of this order.

8. Needless to state, that the observation recorded above is tentative in nature; same may not affect the case of either of the party at trial.

**JUDGE**

Muhammad Danish Steno\*