

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

Criminal Bail Application No.S-1058 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

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

24.12.2020

Mr. Sajjad Ahmed Chandio, Advocate for applicant.
Ms. Sobia Bhatti, Assistant Prosecutor General, Sindh for the State
along-with complainant.

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ORDER

Irshad Ali Shah I:- It is alleged that the applicant with rest of the culprits abducted Mehmood Ali with intention to commit his murder after keeping complainant Ali Gohar and his witnesses under fear of death and then committed the murder of above said abductee, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned 3rd Additional Sessions Judge, Shaheed Benazirabad has sought for the same from this Court by making 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 police and complainant by filing his affidavit has recorded no objection to grant of bail to the applicant, therefore, the applicant is entitled to grant of bail on point of further enquiry.

4. The complainant has recorded no objection to grant of bail to the applicant by contending that he is going to have a compromise with the applicant. However, learned A.P.G for the State has objected 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. Section 364 P.P.C relating to abduction of deceased with intention to commit his murder has been omitted by the police while submitting the final challan of the case. The F.I.R of the incident has been lodged with delay of about five hours; such delay could not be overlooked. None has actually seen the applicant committing the death of the deceased. The case has finally been challaned. The complainant has recorded no objection to grant of bail to the applicant. In these circumstances, a case for grant of bail to the applicant obviously is made out.

7. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.200,000/- (Rupees Two Lacs) and P.R bond in the like amount to the satisfaction of learned Trial Court.

8. The instant bail application is disposed off accordingly.

JUDGE

*Muhammad Danish Steno**