

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-1004 of 2020

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

18.01.2021.

Mr. Safdar Ali Charan, Advocate for applicants.
Ms. Sobia Bhatti, A.P.G for the State.
Syed Faiz Ahmed Shah, advocate for complainant.

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ORDER

Irshad Ali Shah J:- It is alleged that the applicants with rest of the culprit in furtherance of their common intention fired and killed PC Abdul Hameed when he was discharging his lawful duty as a public servant, for that they were booked accordingly.

2. The applicants on having been refused post arrest bail by learned Additional Sessions Judge-I(MCTC) Dadu, have sought for the same from this court by way of making instant application under section 497 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 police; it was unseen incident and co-accused Karim Dad alias Tooh with utmost similar role has already been admitted to bail by learned trial Court. By contending so, he sought for release of the applicants on bail on point of consistency and further inquiry. In support of his contention he relied upon cases of *Ghulam Shabbir vs*

The State (2012 YLR 1199), Waqar Shah vs The State (2012 P.Cr.L.J 866) and Abid Ali alias Ali vs The State (2011 SCMR 161).

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to release of the applicants on bail by contending that there is recovery of crime weapon and jurisdiction of learned trial Court is yet to be decided.

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

7. The names and descriptions of the applicants are not appearing in FIR. The applicants have been subjected to identification parade on 3rd day of their arrest, which appears to be significant. Co-accused Karim Dad with utmost similar role has already been admitted to bail by learned trial Court. In these circumstances, it would be hard to deny concession of bail to the applicants on point of recovery of crime weapon when it is alleged to be result of foistation.

8. In view of above, the applicants are admitted to bail subject to their furnishing surety in sum of Rs.200,000/-each and PR bond in the like amount to the satisfaction of learned trial Court.

9. The instant bail application is disposed of accordingly.

JUDGE