

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-1175 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.
For hearing of main case.

04.02.2021.

Mian Taj Muhammad Keerio, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for the State.

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ORDER

Irshad Ali Shah J:- It is alleged that the applicant with the rest of the culprits in furtherance of their common intention committed murder of Imdad Ali by causing him fire shot injuries, 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 way of 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 complainant in order to satisfy his old enmity with him; the FIR of the incident has been lodged with delay of more than ten hours; no effective role in commission of incident even otherwise is attributed to the applicant and the very case on investigation was disposed of by the police under "A-class". By contending so, he sought for release of the applicant on bail on point of further enquiry.

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

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

7. The FIR of the incident has been lodged with delay of more than ten hours; such delay could not be ignored. The very case on investigation has been recommended by the police to be disposed of under "A-class". The role attributed to the applicant in commission of incident is only to the extent of his presence. The parties are already disputed with each other; therefore, the involvement of the applicant in commission of incident on the basis of vicarious liability is calling for further enquiry.

8. 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.

9. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa,