

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Criminal Bail Application No.S-43 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections.
2. For hearing of main case.

16.02.2021.

Mr. Raja Jawad Ali Saahar, Advocate for the applicant.  
Syed Tarique Ahmed Shah, Advocate for the complainant.  
Ms. Safa Hisbani, A.P.G for the State.

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**ORDER**

**Irshad Ali Shah J:-** It is alleged that the applicant with rest of the culprits in furtherance of their common intention committed murder of Nadeem by drowning him in water pond of tube well, for that the present case was registered

2. The applicant on having been refused post-arrest bail by learned 1<sup>st</sup> Additional Sessions Judge/MCTC Matiari, 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 complainant; the F.I.R has been lodged with delay of about six days; the incident was unseen one; the alleged eye witnesses to the incident have been introduced subsequently by the complainant; the actual cause of death of the deceased could not be asserted; DNA report is negative and co-accused Hidayatullah and Allah Jurio have already been admitted to post arrest bail by learned Trial Court. By contending

so, he sought for post-arrest bail for the applicant on point of further inquiry and consistency.

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to grant of post-arrest bail to the applicant by contending that his case is different to those of the accused, who have already been admitted to bail by learned Trial Court.

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

6. The FIR of the incident has been lodged with delay of about six days; such delay could not be overlooked. As per F.I.R, apparently the incident was unseen one. Subsequent to F.I.R by way of making further statement, the complainant introduced PWs Ghulam Qadir and Mian Bux as eye witnesses to the alleged incident, which appears to be significant. No cause of death of the deceased could be asserted. The DNA report has not matched with the applicant, it is in negative. Co-accused Hidayatullah and Allah Jurio have already been admitted to bail. In that situation, it is rightly being contended by learned counsel for the applicant that a case for grant of post-arrest bail in favour of the applicant on point of further inquiry is made out.

7. In view of above, the applicant is admitted to bail subject to furnishing surety in sum of Rs.100,000/- and P.R 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\**