

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

Cr.B.A.No.S- 695 of 2019

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| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For hearing of main case.

04.10.2019.

Mr. Muhammad Saleem Laghari, Advocate for applicant.
Ms. Sana Memon, A.P.G for the State.

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Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprits by committing trespass in house of complainant Muhammad Juman committed theft / robbery of his gold ornaments and other belonging, for that, present case was registered.

2. The applicant on having been refused post arrest bail by learned 4th Additional Sessions Judge, Hyderabad has sought for the same from this court by way of instant application u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the FIR of the incident has been lodged with the delay of about eight days, yet it does not contain the name of the applicant; co-accused Sajjan, Hanif, Yasir and Kamal have already been admitted to bail by learned trial Court. By contending so, he sought for resale of applicant on bail on point of further enquiry.

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

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

6. The FIR of the incident has been lodged with delay of about eight days; yet it does not contain the name of the applicant, which appears to be significant. The name of the applicant was disclosed by the complainant later on by way of further statement, which could hardly be treated as part of FIR. Co-accused Sajjan, Hanif, Yasir and Kamal have already been admitted to bail by learned trial Court. In these circumstances, it is rightly being contended by learned counsel for the applicant that the applicant is entitled to grant of bail on point of further inquiry and consistency.

7. In view of the facts and reasons discussed above, the applicant is admitted to bail subject to his furnishing solvent surety in the sum Rs.50,000/-(rupees fifty thousand) each and PR bond in the like amount, to the satisfaction of the learned trial Court.

The instant bail application is disposed of accordingly.

JUDGE.