

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

Cr.B.A.No.S- 463 of 2019

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

01.11.2019.

Mian Taj Muhammad Keerio, Advocate for applicant.
Ms. Rameshan Oad, A.P.G for the State.
Mr. Ayaz Ali Gopang, advocate for complainant.

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Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object have fired and killed Kamil and Ali Sher and then went away by making aerial firing to create harassment, for that they were booked and reported upon.

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 instant application U/S 497 Cr.P.C.

3. At the very outset, it is stated by learned counsel for the applicant that he would seek release of the applicant on bail on medical ground, as according to him the detention of the applicant in jail as opined by medical board is detrimental to his health. By contending so, he sought for release of applicant on bail on medical ground.

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to the grant of bail to the applicant on

medical ground by contending that the condition of the applicant is stable and his detention is not detrimental to his life and the very case has been scheduled for trial by learned trial Court.

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

6. The applicant is named in FIR with specific allegation that he with the rest of the culprits in prosecution of their common object being armed with deadly weapons went over to the complainant party and then fired and killed the deceased. In that situation, the release of the applicant on bail is not being pressed on merits, rightly. As per report of Registrar Administration Nephrology Ward LUH, Hyderabad the general condition of the applicant is stable. Even otherwise, there is nothing in report of medical board which may suggest that the detention of the applicant in jail is detrimental to his life. On the contrary, it is suggested in the report that the detention of the applicant in jail ***can be harmful to his health***. The conclusion of the board apparently is based on presumption. In that situation the applicant could hardly be ordered to the release on bail on medical ground. The case has been scheduled by learned trial Court and it is expected to be disposed of very soon. In these circumstances, it could be concluded safely that no case for release of the applicant on bail is made out. Consequently, the instant bail application is dismissed.

JUDGE.