

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. B.A. No.S- 182 of 2021

DATE ORDER WITH SIGNATURE OF JUDGE(S)

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

01.11.2021

Mr. Muhammad Sachal R. Awan, Advocate for the applicant.

Mr. Nazar Muhammad Memon, Additional Prosecutor General, Sindh.
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Amjad Ali Sahito, J:-Through instant bail application, applicant Shahrukh alias Sharo seeks post-arrest bail in Crime No.140 of 2020, registered at Police Station Hala New, under section 302 PPC. Earlier, the bail plea of the applicant was declined by the learned Additional Sessions Judge, Matiari vide order dated 11.02.2021.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, need not to reproduce the same hereunder.

3. Learned counsel for the applicant has contended that the applicant is innocent and has falsely been implicated in this case; that from the face of FIR the prosecution story is not trustworthy being managed, concocted and false; that as per contents of FIR nothing is mentioned that on which seat the applicant was sitting and who was driving the car; that death body shifted to Liaquat University Hospital, Hyderabad, wherefrom it was handed over to legal heirs of deceased without conducting post-mortem; that neither the complainant nor the informer is eye-witness of the incident; that contents of the FIR disclosed that deceased was fired at on his back while sitting on the back seat which is unbelievable. In support of his contentions learned counsel for the applicant relied upon the cases of **Ishtiaq Ahmed vs. The state through additional Advocate General and another** (2017 YLR 2333) and **Jahanzeb and others vs. State through A.G. Khyber Pakhtunkhwa Peshawar and another** (2021 SCMR 63).

4. On the other hand, learned A.P.G appearing for the State vehemently opposed the grant of bail to the applicant.

5. I have considered the contentions of the learned counsel for the applicants and learned A.P.G. for the State so also gone through the material available on the record. From perusal of record, it reflects that name of the applicant Shahrukh transpires in the FIR with specific role that on the day of incident he has fired on the back of deceased Nasarullah who after receiving such firearm injury died at the spot. Eye-witness of the incident P.W Ameer Bux has fully supported the version of the complainant in his statement. The ocular evidence finds support from the medical evidence, as such sufficient material is available on record to connect the applicant with the commission of alleged offence. No ill-will or enmity has been alleged by the learned counsel for the applicant to believe that he has been falsely roped in this case. At bail stage only tentative assessment is to be made. Learned counsel for the applicant has failed to make out his case as of further inquiry as envisaged under sub-section (2) to section 497 Cr.P.C. The case law relied upon by learned counsel for the applicant is not applicable in this case as the facts and circumstances of the cited cases are quite different from the present case.

6. In view of above, the bail application is dismissed.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

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