

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. B.A. No.S- 325 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. Naeem Ahmed Mangi, Advocate for the applicant.

Mr. Nazar Muhammad Memon, Additional Prosecutor General, Sindh.

Mr. Ayaz Ali Gopang, Advocate alongwith the complainant.

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Amjad Ali Sahito, J:-Through instant bail application, applicant Noor Nabi seeks post-arrest bail in Crime No.81 of 2020, registered at Police Station Taluka Nawabshah, under sections 302, 324, 337-A(i), (ii), L(ii), F(V), 109, 120-B, 34 PPC. Earlier, the bail plea of the applicant was declined by the learned Vth Additional Sessions Judge/MCTC Shaheed Benazirabad vide order dated 16.04.2021 hence he approached this Court for same relief.

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 neither name of the applicant transpires in the FIR nor any specific role has been assigned him; that on the basis of further statement of complainant, the applicant has been implicated in this case; that the applicant has been involved in this case due to enmity. Lastly, he submits that in the circumstance, the case of the applicant requires further inquiry and he is entitled for bail.

4. On the other hand, learned counsel for the complainant as well as learned A.P.G appearing for the State vehemently opposed the grant of bail to the applicant on the grounds that although he is not named in the FIR, but after recording further statement of the complainant he was implicated in the commission of alleged offence with specific role, hence he does not deserve any leniency.

5. I have considered the contentions of the learned counsel for the applicant, complainant 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 does not transpire in the FIR nor any specific role has been assigned to him. That the applicant has only been implicated in this case on the basis of further statement of complainant, the value of the same would only be decided by the trial Court after recording the evidence, whether the applicant was present at the place of vardat or not when his name is not mentioned in the FIR. The applicant is in jail since his arrest, he is not required for any investigation and no useful purpose would be served by keeping him in jail for indefinite period. At bail stage only tentative assessment is to be made and deeper appreciation is not permissible. Tentatively, learned counsel for the applicant has successfully made out his case as of further inquiry as envisaged under sub-section (2) to section 497 Cr.P.C.

6. In view of above, the bail application is allowed and the applicant be released on bail subject to furnishing his solvent surety in the sum of Rs.50,000/- (Fifty thousand) and P.R Bond in the like amount to the satisfaction of the trial Court.

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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