

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

Criminal Bail Application No.S-566 of 2021

Applicant : Sohail @ Sohail Ahmed Son of Bashir Ahmed Gopang, through Mr. Sajjad Ali Gopang, Advocate.

Respondent : The State through Mr. Muhammad Nazar Memon, Additional Prosecutor General, Sindh.

Complainant : Hazar Khan @ Dilawar Son of Muhammad Aslam through Mr. Muhammad Rahim Gaju, Advocate.

Date of hearing : 12.11.2021

Date of Order : 12.11.2021

O R D E R

AMJAD ALI SAHITO, J:- Through the instant bail application, the applicant/accused above named seeks post-arrest bail in Crime No.28 of 2021, under sections 147, 148, 149, 504, 114, 337-A(i), 337-A(iv), 337-F(i), 337-F(vi) P.P.C, registered at P.S Hatri, after his bail plea was declined by the learned IIIrd Additional Sessions Judge Hyderabad vide order dated 03.03.2021.

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

3. Per learned counsel the applicant/accused is innocent has falsely been implicated in this case; that near about six accused persons allegedly attacked upon the complainant party and role assigned against the present applicant/accused Sohail @ Sohail Ahmed is general in nature and no specific role has been assigned against him. He lastly prayed for grant of bail.

4. On the other hand, learned counsel for the complainant as well as learned Additional Prosecutor General, Sindh vehemently opposed for grant of bail to the applicant/accused on the ground that name of the applicant/accused transpires in the F.I.R with allegation he along-with co-accused with common intention attacked upon the complainant party, resultantly the complainant and his friend Tayab became injured, therefore, he is not entitled for grant of bail.

5. I have heard learned counsel for the applicant as well as Additional Prosecutor General, Sindh and counsel for the complainant having also gone through the material available on record.

6. No doubt the name of the applicant/accused transpires in the F.I.R but no specific role has been assigned against him, it yet to be determined at the trial whether the he has shared common intention along-with co-accused or not when the evidence will be recorded. At bail stage only tentative assessment is to be made. The applicant/accused is in jail and he is no more required for further investigation, therefore, no purpose would be served to keep him in jail for indefinite period. The learned counsel for the applicant/accused has made out a case for grant of post-arrest bail in view of subsection (2) of section 497 Cr.P.C, resultantly the instant bail application is allowed and the applicant/accused Sohail @ Sohail Ahmed is admitted to bail subject to his furnishing solvent surety in the sum of Rs.50,000/- and P.R. bond in the like amount to the satisfaction of learned 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.

*Muhammad Danish**

JUDGE