

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

Criminal Bail Application No.S-915 of 2021

Applicant : Saleh Son of Niaz, through Mr. Muhammad Saleem Laghari,
Advocate.

Respondent : The State through Mr. Shahid Ahmed Shaikh, Additional
Prosecutor General, Sindh.

Date of hearing : **15.11.2021**
Date of Order : **15.11.2021**

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.18 of 2017, under section 302 P.P.C, registered at P.S Shaikh Bhirkio District Tando Muhammad Khan, after his bail plea was declined by the learned Sessions Judge Tando Muhammad Khan vide order dated 29.09.2021.

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 F.I.R is delayed by four days and no plausible explanation has been furnished; that the name of the applicant/accused is not mentioned in the F.I.R but he was subsequently involved on further statement of the complainant; that co-accused have been acquitted from the charge. He lastly prayed for grant of bail.

4. On the other hand, learned Additional Prosecutor General, Sindh opposed for grant of bail to the applicant/accused and submits that he was fugitive from the law, as such, he is not entitled for concession of bail.

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

6. It is admitted fact that the name of the applicant/accused does not transpire in the F.I.R and no specific role has been assigned against him but his name has been inserted in the case on the recording of further statement by the complainant. Moreover, co-accused after full-fledged trial have already been acquitted by the learned Trial Court from the charge. So far as long absconding of applicant is concerned, it is settled principle of law that long absconsion is irrelevant if otherwise applicant/accused is found entitled for grant of bail. It yet to be determined at the trial whether the

applicant/accused is involved in the commission of alleged offence 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 Saleh is admitted to post bail subject to his furnishing solvent surety in the sum of Rs.100,000/- 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