

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1260 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.

For hearing of main case.

09.03.2021.

Mr. Bhoro Bheel, Advocate for applicant.

Ms. Sobia Bhatti, A.P.G for the State.

Mr. Santosh Kumar J. Kalal, advocate for complainant.

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ORDER

Irshad Ali Shah J:- It is alleged that the applicant with the rest of the culprits by making trespass into house of the complainant Mohib committed death of Muhammad Ismail by causing him fire shot injury in his mouth and then went away by insulting the complainant party, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Additional Sessions Judge-I/ Model Criminal Trial Court, Umerkot has sought for the same from this Court by way of making instant application u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party only to satisfy its grudge with him over plot; the identity of the applicant at night time is a weak piece of evidence and co-accused Azeem and four others have already been admitted to bail by learned trial Court; therefore, the applicant is entitled to be released on bail on point of further inquiry and consistency.

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

contending that he has actively participated in commission of incident by causing fire shot injury to the deceased and his case is distinguishable to that of co-accused, who have already been admitted to bail 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 by making trespass into house of the complainant committed death of deceased by causing him fire shot injury at his mouth. In that situation, it would be premature to say that applicant being innocent has been involved in this case falsely by the complainant party only to settle its dispute with him over plot. If, the complainant party has been able to identify the applicant at night time under the light of bulb then they could not be doubted in that respect that too at this stage. Apparently the role of the applicant is distinguishable to that of co-accused; therefore, he could not claim his release on bail on point of consistency. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged. No case for grant of bail to applicant is made out. Consequently, the instant bail application is dismissed with direction to learned trial Court to expedite disposal of very case against the applicant, preferably within three months after receipt of copy of this order.

JUDGE