

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-979 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

09.03.2021.

Mr. Abdul Rasool Abbasi, Advocate for the applicant.
Mr. Ayaz Khaskheli, advocate for complainant.
Ms. Sobia Bhatti, A.P.G for the State.

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ORDER

Irshad Ali Shah J:- It is alleged that the applicant with the rest of the culprits after having formed an unlawful assembly and in prosecution of their common object committed murder of Farooque Ali by causing him fire shot injuries, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Additional Sessions Judge-I, Dadu has sought for the same from this court by making separate bail applications 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 in order to satisfy its matrimonial dispute with him; the name and description of the applicant is not appearing in FIR though it is lodged with delay of about [13] hours; therefore, his involvement on the basis of recovery of pistol is requiring further inquiry. By contending so, he sought for release of the applicant on bail.

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 injuries to the deceased.
5. I have considered the above arguments and perused the record.
6. The name and description of the applicant are not appearing in the FIR; his involvement on the basis of recovery of pistol and 161 Cr.P.C statements of the PWs Peroz Khan and Irshad Ali, which have been recorded with delay of about [12] days to FIR is calling for further inquiry.
7. In view of above, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.200,000/- and PR bond in the like amount to the satisfaction of learned trial Court.
8. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa,