

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

Criminal Bail Application No.S-1172 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.

**12.03.2021**

Mr. Mufeed Narejo, Advocate for the applicant.

Mr. Shahid Ahmed Shaikh, D.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 Ghulam Rasool by causing him fire shot injuries and then went away by making aerial firing to create harassment, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Additional Sessions Judge-II Dadu 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 matrimonial affairs; the identity of the applicant under the light of bulb is a weak piece of evidence; the applicant on investigation was let off by the police and co-accused Mirdin and Haji Bakhshal have already been released on bail by learned Trial Court, therefore, the applicant is entitled to be released on bail on point of further inquiry.

4. Learned D.P.G for the State has 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 on his chest and then preferred to go in absconsion for about ten years.

5. I have considered the above arguments and perused the record.

6. The applicant is named in FIR with specific allegation that he caused fire shot injury to the deceased at his chest. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party. It is true that the applicant was let off by the police but there could be made no denial to the fact that he was joined in trial by the learned Trial Court. Instead of joining the trial, he preferred to go in absconsion, for noticeable period which is spreading over ten (10) years. Such unexplained absconsion on his part could not be lost sight of. Co-accused Mirdin and Haji Bakhshal have been admitted to bail by learned Trial Court on point of hardship when complainant party did not turn up to record its evidence. No such hardship has been faced by the applicant. On the contrary, it was he who defeated the trial by choosing to remain in absconsion. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. No case for grant of bail to the applicant is made out, consequently, the instant bail application is dismissed.

**JUDGE**