

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

Criminal Bail Application No.S-143 of 2021

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

05.07.2021

Mr. Meer Ahmed Mangrio, Advocate for the applicant.
Mr. Shahid Ahmed Shaikh, Additional Prosecutor General,
Sindh.

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IRSHAD ALI SHAH, J.- It is alleged that the applicant with rest of the culprits, in furtherance of their common intention, committed Qatl-e-Amd of Mst. NazarBibi, by causing her fire shot injuries, for that the present case was registered.

2. The applicant, on having been refused post-arrest bail by learned 1st Additional Sessions Judge/Model Criminal Trial Court, Jamshoro @ Kotri, has sought for the same from this Court by way of instant bail application u/s; 497 Cr.PC.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the police; the F.I.R has been lodged with delay of about 12 days; the complainant is not an eye witness of the incident and no effective role in commission of incident is attributed to the applicant, therefore, he is entitled to his release on bail on point of further inquiry. In support

of his contentions, he relied upon the case of *SAJID Vs.Samin ur Rehman (deceased) and others [2021 SCMR 138]*.

4. Learned Addl.P.G for the State has opposed to release of the applicant on bail by contending that he is vicariously liable in commission of the incident.

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

6. The complainant Islam Khan is not an eye witness of the incident. The F.I.R of the incident has been lodged with delay of about 12 days; such delay having not been explained plausibly could not be lost sight of. Even otherwise, no effective role in commission of incident is attributed to the applicant. In these circumstances, the involvement of the applicant in commission of the incident on the point of vicarious liability obviously is calling for further inquiry.

7. In view of above, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.200,000/- and P.R bond in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno.