

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

Criminal Bail Application No.S-386 of 2021

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

09.07.2021

Mr. Muhammad Jamil Ahmed, Advocate for the applicant.

Ms. Sana Memon, Assistant Prosecutor General, Sindh.

Mr. Ayaz Hussain Gopang, Advocate for the complainant.

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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 death of Habib-ul-Hassan, by causing him fire shot injuries and then went away by committing mischief and criminal intimidation, for that the present case was registered.

2. The applicant, on having been refused post-arrest bail by learned Vth Additional Sessions Judge/MCTC Shaheed Benazirabad, 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 complainant; the F.I.R of the incident has been lodged with delay of about one day; the role attributed to the applicant in commission of incident is only to extent of instigation; he is HIV positive, therefore,

he is entitled to his release on bail on point of further inquiry. In support of his contentions, he relied upon case of *Jahanzeb and others Vs. The State and others* [2021 SCMR page-63].

4. Learned A.P.G for the State and counsel for the complainant have 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 F.I.R of the incident has been lodged with delay of about one day; the complainant is not an eye witness of the incident and role attributed to the applicant is commission of incident is only to the extent of instigation and putting the complainant party under fear of death by pointing his weapon upon them allegedly, therefore, his involvement in commission of incident on 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.