

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

Criminal Bail Application No.S-359 of 2021

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

19.07.2021.

Miyan Taj Muhammad Keerio, Advocate for the applicant.
Mr. Mashooque Ali Mahar, Associate of Mr. Ashfaque Ahmed A. Solangi, Advocate for the complainant.
Ms. Sana Memon, A.P.G for State.
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Irshad Ali Shah J.- It is alleged that the applicant with rest of the culprits, robbed complainant Muhammad Ibrahim and his witnesses of their motorcycle, mobile phones and cash, 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 way of instant bail application u/s: 497 Cr.PC.

3. It is contended by the learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant in order to satisfy his dispute with him over the interest on sell of motorcycle; the F.I.R has been lodged with delay of about 10 days and recovery has been foisted upon the applicant by the police at the instance of the complainant, therefore, the applicant is entitled to his release on bail on point of further inquiry.

4. Learned A.P.G for the State, who is assisted by junior associate of learned counsel for the complainant has opposed to release of the applicant

on bail by contending that the offence which he has committed is affecting the society at large.

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 10 days; such delay having not been explained plausibly could not be overlooked, it is reflecting consultation and deliberation. No explanation is offered by the prosecution for recording 161 Cr.P.C statements of PWs with further delay of 10 days even to F.I.R; such delay has made the credibility of the witnesses to be doubtful. The identity of the applicant at night time even otherwise is appearing to be weak piece of evidence. The recovery has allegedly been affected from the applicant on 7th day of his arrest, which appears to be surprising. Parties are said to be disputed on settlement of interest on sell of motorcycle. In these circumstances, a case for grant of post-arrest bail to the applicant on point of further inquiry obviously is made out.

7. In view of above, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- and P.R bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail application is disposed of accordingly.

J U D G E

Muhammad Danish Steno*