

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

Criminal Bail Application No.S-519 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

1. For orders on office objections.
2. For hearing of main case.

30.07.2021.

Mr. Rafique Ahmed Dahri, Advocate for applicant.  
Mr. Shewak Rathore, D.P.G for the State.

==

**Irshad Ali Shah J:-** It is alleged that the applicant with rest of the culprits in furtherance of their common intention by using criminal force caused *Danda* blows to PW Irshad, for that he was booked and reported upon.

2. At trial, the applicant was enjoying concession of bail same on account of his absence without intimation was recalled. On surrender/re-arrest the applicant applied for his release on bail again by making such applications, those were dismissed/rejected by learned II<sup>nd</sup> Judicial Magistrate Sehwan and Additional Sessions Judge Sehwan, one after other. It is in these circumstances, the applicant has approached this Court for his release on bail by way of making instant bail 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 and his absence before learned Trial Magistrate was not willful but beyond his control as he was involved in another false murder case. By contending so, he sought for release of the applicant on bail.

4. Learned D.P.G for the State has opposed to release of the applicant on bail by contending that he has misused the concession of bail.

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

6. The F.I.R of incident has been lodged with delay of about nine days; such delay having not been explained plausibly could not be overlooked. The offence alleged against the applicant is not falling within prohibitory clause of section 497 (2) Cr.P.C. The applicant was enjoying the concession of bail at trial which was granted to him on merits. The absence of the applicant before learned Trial Magistrate it is said was beyond his control, on account of his involvement in murder case. More so, the applicant has remained in custody for about two months after his re-arrest which appears sufficient extra punishment for his absconsion for about one year. In these circumstances, a case for release of the applicant again on bail obviously is made out.

7. In view of above, the applicant is admitted to bail subject to his furnishing solvent surety in the sum Rs.50,000/- (rupees fifty thousand) and PR bond in the like amount, to the satisfaction of the learned Trial Magistrate.

8. The instant bail application is disposed of accordingly.

**JUDGE**