

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

Criminal Bail Application No.S-239 of 2021

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

30.07.2021

Mr. Khait Kumar Khatri, Advocate for the applicant.

Mr. Shewak Rathore, Deputy Prosecutor General, Sindh.

Mr. Ali Hassan Chandio, 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 murder of Shoukat Ali by causing him fire shot injuries, for that the present case was registered.

2. The applicant, on having been refused post-arrest bail by learned Additional Sessions Judge-I Umerkot, has sought for the same from this Court by making the 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 party in order to satisfy its dispute with him over landed property; the F.I.R has been lodged with delay of about two days, yet it does not contain the name of the applicant, same has been disclosed subsequently by the complainant and his witnesses by way of further statements and no identification parade of the applicant has

been held before the Magistrate through the complainant and his witnesses, therefore, the applicant is entitled to his release on bail on point of further inquiry. In support of his contentions, he relied upon the case of *Allah Ditta Vs. The State and others* [2012 SCMR 184].

4. Learned Deputy Prosecutor General for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that he has actively participated in commission of incident and on arrest from him has been secured the pistol which has been found similar with the empties collected by the police from the place of incident.

5. In rebuttal to above, it is contended by learned counsel for the applicant that the pistol has been foisted upon the applicant by the police at the instance of the complainant.

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

7. The F.I.R of the incident has been lodged with delay of about two days; yet it does not contain name and descriptions of the applicant which appears to be significant. The name of the applicant has been disclosed subsequently by the complainant and his witnesses by making further statements which have been recorded with considerable delay even to F.I.R. The further statements made by the complainant one after other could hardly be treated as a part of F.I.R. The recovery of the pistol allegedly used by the applicant in

commission of incident has been made on 4th day of his arrest that too from the place which was not found to be in his exclusive possession. In these circumstances, the involvement of the applicant in commission of the incident 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.