

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

Criminal Bail Application No.S-1274 of 2020

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

30.07.2021

Mr. Afzal Karim Virk, Advocate for the applicants.
Mr. Shewak Rathore, Deputy Prosecutor General, Sindh.
The complainant in person.

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IRSHAD ALI SHAH, J.- It is alleged that the applicants with rest of the culprits, after having formed an unlawful assembly and in prosecution of their common object, besides committing murder of Jamal caused hatchet injuries to PWs Kamal, Jaffar, Ibrahim, Nizamuddin, Achar, Ramzan and Mst. Jamiat with intention to commit their murder and then went away by insulting complainant Bego and others, for that the present case was registered.

2. The applicants, on having been refused post-arrest bail by learned Additional Sessions Judge-I Tharparkar at Mithi, have sought for the same from this Court by making instant bail application under section 497 Cr.PC.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy its dispute with them over

passage; the F.I.R of the incident has been lodged with delay of about one day and role attributed to the applicants in commission of incident is only to the extent of causing unspecified injuries to the PWs, therefore, they are entitled to their release on bail on point of further inquiry. In support of his contentions, he relied upon the cases of *Mumtaz Hussain and 5 others Vs. The State [1996 SCMR 1125]* and *Khiyal Saba and another Vs. The State and others [2020 SCMR 340]*.

4. Learned Deputy Prosecutor General for the State, who is assisted by the complainant has opposed to release of the applicants on bail by contending that they have caused injuries to the PWs and are vicariously liable for 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 role attributed to the applicants in commission of incident is only to the extent of allegedly causing hatchet injuries to the witnesses. On medical examination, besides hatchet injuries the male injured have also been found sustaining injuries caused to them with hard and blunt substance. Who used hard and blunt substance for causing injuries to the male injured? It requires determination at trial. The injuries sustained by the injured witnesses as per Medical evidence are either bailable in nature and/or are not falling within prohibitory clause of section 497 (2) Cr.P.C. The parties are already disputed over passage. In these circumstances; a case for release of

the applicants on bail on point of further inquiry obviously is made out.

7. In view of above, the applicants are admitted to post arrest bail subject to their furnishing solvent surety in the sum of Rs.200,000/- each and P.R bonds in the like amount to the satisfaction of learned Trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno.