

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

Criminal Bail Application No.S-1176 of 2021

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

18.04.2022

Mr. Ejaz A. Awan, Advocate for applicant.
Ms. Safa Hisbani, A.P.G for the State.
Mr. Nisar Ahmed S. Chandio, Advocate for complainant.

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Irshad Ali Shah J:- It is alleged that the applicant caused hammer blows to Mst. Rehana and Mst. Reshman on their heads with intention to commit their murder, consequently Mst. Reshman lost her life, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned 1st Additional Sessions Judge, Kotri has sought for the same from this Court by making instant 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; the F.I.R of the incident has been lodged with delay of about two days; the applicant is a juvenile offender and is in custody since six months; the complainant and his witnesses are related inter se, therefore, the applicant is entitled to be released on bail on point of further inquiry.

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that he has committed the offence in a very brutal manner and the case is at the verge of its final disposal. In support of their contentions, they relied upon the cases of (i) *Shahbaz Tufail Vs.*

The State [1978 SCMR 235], (ii) Muhammad Sharif Vs. Shafqat Hussain alias Shaukat and another [1999 SCMR 338].

5. Heard arguments and perused the record.

6. The name of the applicant was disclosed by Mst. Rehana on regaining the senses. The hammer allegedly used in commission of incident has been secured by the police. In very start of the bail application, the applicant has claimed to be an adult person. In that situation it would be premature to say that the applicant being juvenile offender has been involved in this case falsely by the complainant party. The complainant indeed was having no reason to have involved the applicant in case like the present one. The delay in lodgment of F.I.R has been explained in F.I.R itself, same even otherwise could not be resolved by this Court at this stage. The complainant and his witnesses may be related inter se but they are appearing to be natural witnesses of the incident. The custody of the applicant for few months may not be made enough to enlarge him on bail in case like present one. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. In view of above, it could be concluded safely that no case for grant of bail to the applicant is made out, consequently, the instant bail application is dismissed with direction to the learned Trial Court to dispose of very case within two months.

8. Needless to say that the observations recorded above may not prejudice the case of either of party at trial.

JUDGE

Muhammad Danish*