

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

Criminal Bail Application No.S-144 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection.
	2. For hearing of main case.
<u>22.04.2022</u>	

Mr. Mumtaz Ali Khushk, Advocate for applicants.
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.
Complainant Ali Murad in person.

==

Irshad Ali Shah J.- It is alleged that the applicants with rest of the culprit caused fire shot injury to PW Allahdad with intention to commit his murder and then went away by causing hatchet and lathi blows to PWs Mst. Niamat and Mst. Taajul, for that the present case was registered.

2. The applicants on having been refused post-arrest bail by learned Sessions Judge, Sanghar have sought for the same from this Court by making instant application under section 497 Cr.P.C.

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 in order to compel them to have a compromise in murder case and injuries sustained by the injured PWs Mst. Niamat and Mst. Taajul which are attributed to the applicants are not falling within prohibitory clause, therefore, they are entitled to be released on bail on point of further inquiry.

4. Learned Assistant 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 actively participated in commission of incident by causing hatchet and lathi blows to PWs Mst. Niamat and Mst. Taajul.

5. Heard arguments and perused the record.

6. The applicants obviously have been attributed the role of causing hatchet and lathi blows to Mst. Niamat and Taajul. The injury sustained by PW Mst. Niamat punishable under section 337-A(i) P.P.C is bailable in nature while injury sustained by PW Mst. Taajul punishable under section 337-A (ii) P.P.C is not falling within prohibitory. The parties are already disputed. The case has finally been challaned and there is no apprehension of tampering with the evidence on the part of the applicants. 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.50,000/- 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*