

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

Criminal Bail Application No.S-210 of 2022

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

**22.04.2022**

Mr. Shahzeb Abbasi, Advocate for the applicants.  
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.  
Mr. Meer Ahmed Mangrio, Advocate for the complainant.

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**IRSHAD ALI SHAH, J.-** It is alleged that the applicants with rest of the culprits during course of robbery not only committed murder of Aleem @ Geelo by causing him fire shot injury but caused fire shot injury to PW Javed on his right hand and then went away by issuing of threats of dire consequences to complainant Sabu and his witnesses, for that the present case was registered.

2. The applicants, on having been refused post-arrest bail by learned Additional Sessions Judge-I/MCTC Kotri, have sought for the same from this Court by way of instant application u/s: 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; F.I.R has been lodged with delay of three days and no effective role in commission of incident is attributed to the applicants, therefore, they are entitled to be released on bail on point of further inquiry.

4. Learned Assistant Prosecutor General, Sindh and learned counsel for the complainant have opposed to release of the applicants

on bail by contending that they have committed the offence conjointly.

5. Heard arguments and perused the record.

6. Admittedly the F.I.R of the incident has been lodged with delay of three days. On investigation, it was concluded by the police that no robbery has taken place. It was also concluded by the police that offence, if any, would fall under sections 322, 342, 337-F(i) 34 P.P.C, it was learned Trial Magistrate, who took the cognizance of the incident for offence punishable under sections 392, 302, 506/2, 337-F(i), r/w section 34 P.P.C. Be that as it may, no role in commission of incident is attributed to applicant Mumtaz. Role attributed to applicant Zaheer in commission of incident is only to the extent that he caused fire shot injury to PW Javed on his right hand. On medical examination, such injury was found to have been sustained by PW Javed with hard and blunt substance. In these circumstances, the involvement of the applicants in the alleged incident, even on point of conjoint liability is calling for its determination at trial; therefore, they are found entitled to be released on bail on point of further inquiry.

7. In view of above, the applicants are admitted to post arrest bail subject to his 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\*