

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

Criminal Bail Application No.S-304 of 2022

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

22.04.2022

Mr. Ghulamullah Chang, Advocate for applicant.
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.

==

Irshad Ali Shah J.- It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object caused hatchets injuries to PW Hakim Ali with intention to commit his murder and then went away by insulting complainant Moharram and his witnesses, for that the present case was registered.

2. The applicant on having been refused post-arrest bail by learned Sessions Judge, Badin has 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 applicant that the applicant being innocent has been involved in this case falsely by the complainant in order to satisfy his dispute with him over plot and F.I.R of the incident has been lodged with delay of about 23 days, therefore, the applicant is entitled to be released on bail on point of further inquiry.

4. Learned Assistant Prosecutor General for the State, who is assisted by complainant and PW injured Hakim Ali has opposed to

release of the applicant on bail by contending that he has actively participated in commission of offence by causing hatchet blows to PW Hakim Ali.

5. Heard arguments and perused the record.

6. The F.I.R of the incident has been lodged with delay of about 23 days; such delay having not been explained plausibly could not be ignored. The injuries sustained by injured PW Hakim Ali are opined by the Medical Officer to have been caused to him with some hard and blunt substance; such opinion has belied the complainant in his version in F.I.R that PW Hakim Ali was caused injuries with hatchet a sharp cutting weapon. Co-accused Khuda Bux and four others have already been admitted to bail by learned Trial Court. The parties are already disputed over plot. The case has finally been challaned and there is no apprehension of tampering with the evidence on the part of the applicant. In these circumstances, a case for release of the applicant on bail on point of further inquiry obviously is made out.

7. In view of above, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- 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**