

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

Criminal Bail Application No.S-264 of 2022

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

29.04.2022

Syed Tarique Ahmed Shah, Advocate for the applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Mr. Ayaz Ali Gopang, Advocate for the complainant.

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IRSHAD ALI SHAH, J.- It is alleged that the applicant has committed murder of Imdad Ali by causing him fire shot injuries, for that the present case was registered.

2. The applicant, on having been refused post-arrest bail by learned 5th Additional Sessions Judge/MCTC, Shaheed Benazirabad has 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 applicant that the applicant being innocent has been involved in this case falsely by the complainant; the deceased has died of heart-attack and F.I.R of the incident has been lodged by the complainant with delay of 06 days, therefore, the applicant is entitled to be released on bail on point of further inquiry. In support of his contentions he has relied upon the cases of *Nouman Khan alias Roman Vs. The State and others [2020 SCMR 666]* and *Abid Ali alias Ali Vs. The State [2011 SCMR 161]*.

4. Learned Assistant Prosecutor General, Sindh and learned counsel for the complainant have opposed to release of the applicant on bail by contending that he has actively participated in commission

of incident by causing fire shot injuries to the deceased and on arrest from him has been secured the crime weapon.

5. In rebuttal to above, it is stated by learned counsel for the applicant that the pistol has been foisted upon the applicant on 6th day of his arrest.

6. Heard arguments and perused the record.

7. The complainant has not witnessed the incident actually. The F.I.R of the incident has been lodged with delay of about 06 days, such delay having not been explained plausibly could not be overlooked. The name of the applicant has been disclosed subsequently by PWs Nazakat and Muhammad Ali by way of their statements u/s: 162 Cr.P.C recorded with delay of about five months to actual date of incident, which appears to be significant. In these circumstance a case for grant of bail to the applicant obviously is made out and such concession could not be denied to him only on the basis of recovery of crime weapon which is alleged to have been foisted upon him.

8. Above are the reasons of the order dated 29.04.2022 whereby the applicant was admitted to bail subject to furnishing surety in the sum of Rs.200,000/- and P.R bond in the like amount to the satisfaction of learned Trial Court.

JUDGE

Muhammad Danish*

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Mr. Ayaz Ali Gopang, Advocate for complainant.

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Heard. For the reasons to follow, instant bail application is allowed and the applicant is admitted to bail subject to furnishing surety in the sum of Rs.200,000/- and P.R bond in the like amount to the satisfaction of learned Trial Court.

JUDGE

Muhammad Danish*