

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

Criminal Bail Application No.S-332 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGE

09.05.2022

Mr. Aijaz Ali Siyal, Advocate for the applicant.

Ms. Sana Memon, Assistant Prosecutor General, Sindh for State.

Complainant Liaquat Ali in person.

==

Irshad Ali Shah J:- It is alleged that the applicant with the rest of the culprits after having formed an unlawful assembly and in prosecution of their common object committed murder of Imran Ali @ Bablo by causing him fire shot injuries and then went away by insulting complainant Liaquat Ali and his witnesses, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned 1st Additional Sessions Judge/Model Criminal Trial Court, Shaheed Benazirabad has sought for the same from this Court by making two separate applications 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 party in order to satisfy its old enmity with him over abduction of Mst. Hina and there is no independent witness to the incident, therefore, the applicant is entitled to be released on bail on point of further inquiry.

4. Learned Assistant Prosecutor General, Sindh for the State, who is assisted by the complainant has opposed to release of the applicant on bail by contending that the applicant 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. Heard arguments and perused the record.

6. The applicant is named in FIR with allegation that he with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object went over to the deceased and then committed his murder by causing him fire shot injuries in order to satisfy his dispute with him over abduction of Mst. Hina, who is alleged to have entered into love marriage with one Aadil. The specific role of causing fire shot injuries to the deceased with rest of the culprits is attributed to the applicant. On arrest from the applicant has been secured the incriminating pistol which has been found matched with the empties secured from the place of incident. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party. The complainant and his witnesses may be related inter se but their relationship is not enough to disbelieve them at this stage under the garb that there is no independent witness to the incident. The complainant and his witnesses are appearing to be natural witnesses to the incident. 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.

JUDGE

Muhammad Danish*