

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

Criminal Bail Application No.S-220 of 2022

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

**09.05.2022**

Syed Shahzad Ali Shah, Advocate for the applicant.  
Ms. Sana Memon, Assistant Prosecutor General, Sindh.  
Mr. Sameeullah Rind, Advocate for the complainant.

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**IRSHAD ALI SHAH, J.-** It is alleged that the applicant with rest of the culprits in furtherance of their common intention has committed murder of Abdullah by causing him fire shot and lathi injuries and then went away by insulting complainant Muhammad Ibrahim and his witnesses, for that the present case was registered.

2. The applicant, on having been refused post-arrest bail by learned Additional Sessions Judge-I Tando Adam, 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 party in order to satisfy its grudge with him; the F.I.R of the incident has been lodged with unexplained delay of about three days and role attributed to the applicant in commission of incident is only to the extent of instigation, therefore, he is entitled to his release on bail on point of further inquiry. In support of his contentions he relied upon case of *Sher Afzal Vs. The State and another* [2022 SCMR 186].

4. Learned A.P.G for the State 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 instigating others to commit the murder of the deceased.

5. Heard arguments and perused the record.

6. The role attributed to the applicant in commission of incident is only to the extent of instigation. Whether the applicant actually participated in commission of incident with vicarious liability, it requires determination at trial. 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 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 furnishing solvent surety in the sum of Rs.200,000/- 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\*