

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

Criminal Bail Application No.S-484 of 2022

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

13.05.2022

Mr. Mushtaque Hussain Khaskheli, Advocate for applicant.

Ms. Sana Memon, Assistant Prosecutor General, Sindh.

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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 by committing trespass into house of complainant Mst. Tasawur Bibi fired at PW Imtiaz with intention to commit his murder and then went away by causing hatchets, butt and lathi blows to the complainant and PWs Imtiaz and Mst. Razia with intention to commit their murder too, for that the present case was registered.

2. The applicant, on having been refused post-arrest bail by learned Vth Additional Sessions Judge (MCTC), Shaheed Benazirabd 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 matrimonial dispute with him and F.I.R of the incident has been lodged with unexplained delay of about two days, therefore, the applicant is entitled to his release on bail on point of further inquiry.

4. Despite service of the notice none has appeared on behalf of the complainant. However, learned A.P.G for the State has opposed to release of the

applicant on bail by contending that he has actively participated in commission of incident by causing hatchet blow to PW Imtiaz on his head.

5. Heard arguments and perused the record.

6. The F.I.R of the incident has been lodged with delay of about two days; such delay having not been explained plausibly could not be overlooked. The fire shot allegedly made at PW Imtiaz with intention to commit his murder has proved to be ineffective one, which appears to be surprising. The hatchet injury sustained by PW Imtiaz on his head, attributed to the applicant has been opined to be falling u/s:337-A(ii) P.P.C, whether such injury was caused to him with intention to commit his murder? It requires determination at trial. The parties admittedly are disputed over matrimonial affairs. 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.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*