

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

Criminal Bail Application No.S-119 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections. 2. For hearing of main case.
<u>16.05.2022</u>	

Ghazi Salahuddin Panhwar, Advocate for the applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh for State.

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Irshad Ali Shah J:- It is alleged that the applicant committed murder of Waqar Ali by causing him fire shot injuries in order to settle his dispute with him over accounts, 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, Badin has sought for the same from this Court by making 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 party; the F.I.R of the incident has been lodged with delay of about one day and the complainant and her witnesses are related inter se. By contending so, he sought for release of the applicant on bail. In support of his contentions, he relied upon the cases of *Khair Muhammad and another Vs. The State through P.G. Punjab and another [2021 SCMR 130]* and *Babar Gul Vs. The State [2015 P Cr. L J 1433]*.

4. Learned Assistant Prosecutor General, Sindh for the State 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 took the deceased with him and then committed his murder by causing him fire shot injuries and then

made his escape good from the place of incident when he found the complainant party coming to him, on hearing of fire shot reports. 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 delay in lodgment of F.I.R has been explained in F.I.R itself, same even otherwise could not be resolved by this Court at this stage. The complainant and her witnesses may be related inter se but their relationship is not enough to disbelieve them at this stage. They 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. The case law which is relied upon by learned counsel for the applicant is on distinguishable facts and circumstances. In case of *Babar Gul* (supra) there was 08 days' delay in lodgment of F.I.R. In case of *Khair Muhammad* (supra) the accused were not found connected with the crime.

8. 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*