

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

Criminal Bail Application No.S-217 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection.
	2. For hearing of main case.
<u>13.05.2022</u>	

Mr. Gulzar Ali A. Soomro, Advocate for the applicants.
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.
Mr. Faheem A. Ghaloo, Advocate for the complainant.

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IRSHAD ALI SHAH, J.- It is alleged that the applicants with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object committed murder of Ghulam Qadir by causing him fire shots injuries and then went away by insulting complainant Deedar Ali and his witnesses, for that the present case was registered.

2. The applicants, on having been refused post-arrest bail by learned Additional Sessions Judge-I/MCTC Dadu, have 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 applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy its dispute with them over landed property and no effective role in commission of incident is attributed to them, therefore, they are entitled to their release on bail on point of further inquiry. In support of his contentions, he relied upon case of *Muhammad Irfan Vs. The State and others* [2014 SCMR 1347].

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to release of the applicants on bail by contending that they are vicariously liable for commission of incident.

5. Heard arguments and perused the record.

6. F.I.R of the incident has been lodged with delay of about 22 days; such delay could not be overlooked. The role attributed to applicant Abdul Sattar in commission of incident is only to the extent of his presence while role attributed to applicant Jabir in commission of incident is only to the extent of instigation. Whether the applicants actually participated in commission of incident with vicarious liability? It requires determination at trial. The parties are already disputed over landed property. The case has finally been challaned and there is no apprehension of tampering with the evidence on the part of the applicants. In these circumstances, a case for release of the applicants on bail on point of further inquiry obviously is made out.

7. In view of above, the applicants are admitted to post arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- each and P.R bonds in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish*