

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

Criminal Bail Application No.S-328 of 2022

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

23.05.2022

Mr. Badal Gahoti, Advocate for the applicants.
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.
Mr. Zubair Ahmed Khuwahar, Advocate for the complainant.

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IRSHAD ALI SHAH, J.- It is alleged that the applicants with rest of the culprit in furtherance of their common intention committed murder of Yar Muhammad by causing him kicks, lathi, hatchet and iron rod blows, for that the present case was registered.

2. The applicants, on having been refused post-arrest bail by learned Additional Sessions Judge, Matiari 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 in order to satisfy his grudge with them and F.I.R of the incident has been lodged with delay of about 13 days, therefore, the applicants are entitled to be released on bail on point of further inquiry.

4. Learned Assistant Prosecutor General, Sindh and learned counsel for the complainant have opposed to release of the applicants on bail by contending that the case has been scheduled for trial.

5. Heard arguments and perused the record.

6. The incident initially was recorded in Roznamcha under entry No.9 dated 02.09.2021, it does not contain name of any of the accused involved in the

incident, which appears to be surprising. The F.I.R of the incident has been lodged with delay of about 13 days; such delay having not been explained plausibly could not be ignored, it is reflecting consultation and deliberation. 161 Cr.P.C statements of the PWs have been recorded with further delay of one day even to F.I.R. As per Final report of Medical Officer Taluka Headquarter Saeedabad, the cause of the death of the deceased was due to Acute Hepatitis and Cardio Pulmonary Arrest. In these circumstances, a case for grant of bail to the applicants obviously is made out.

8. In view of above discussion, the applicants are admitted to bail subject to furnishing surety in the sum of Rs.200,000/- each and P.R bonds in the like amount to the satisfaction of learned Trial Court.

9. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish*