

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

Criminal Bail Application No.S-482 of 2022

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

30.05.2022

Mr. Muhammad Irfan Chandio, Advocate for the 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 not only committed murder of Muhammad Urs by causing him fire shot injuries but fired at complainant Gulsher and his witnesses with intention to commit their murder and then went away by making aerial firing to create harassment and insulting the complainant party, for that the present case was registered.

2. The applicant, on having been refused post-arrest bail by learned Additional Sessions Judge, Sehwan 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 in order to satisfy his dispute with him over landed property; there is counter version of the incident and the role allegedly attributed to the applicant in commission of incident is only to the extent of making ineffective/aerial firing, therefore, the applicant is entitled to be released on bail on point of further inquiry.

4. Learned Assistant Prosecutor General, Sindh has opposed to release of the applicant on bail by contending that he is vicariously liable for the commission of incident.

5. Heard arguments and perused the record.
6. The role attributed to the applicant in commission of incident is only to the extent of making ineffective or aerial firing. Whether the applicant 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 applicant. In these circumstances, a case for grant of bail to the applicant on point of further inquiry obviously is made out.
7. In view of above, the applicant is admitted to bail subject to furnishing 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*