

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

Criminal Bail Application No.S-1122 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.
<u>21.03.2022.</u>	

Mr. Wajid Ali Khaskheli, Advocate for the applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Mr. Safdar Ali Charan, Advocate for the complainant.
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IRSHAD ALI SHAH, J.- It is alleged that the applicant with rest of the culprits in furtherance of their common intention committed murder of Yaseen by administering some poisonous substance to him, for that the present case was registered.

2. The applicant, on having been refused post-arrest bail by learned Additional Sessions Judge-I/MCTC Dadu, 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 complainant is not an eyewitness of the incident and F.I.R has been lodged with delay of about 35 days, therefore, the applicant is entitled to his release on bail on point of further inquiry.

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

5. I have considered the above arguments and perused the record.

6. The F.I.R of the incident has been lodged with delay of about 35 days and such delay having not been explained plausibly could not be overlooked. None indeed has seen the applicant administering the poisonous substance to the deceased. The applicant has been involved in this case only for the reasons that the deceased was lastly seen in his company which appears to be a weak piece of evidence. The case has finally been challenged 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 his furnishing solvent 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*