

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

Criminal Bail Application No.S-1184 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.
	3.
<u>21.03.2022.</u>	

Mr. Safdar Ali Charan, Advocate for the applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Complainant Moula Bux in person.

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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 Allah Bakhsh, by causing him *Danda*, and iron rod blows, 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 bail 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 by involving him on point of vicarious liability, therefore, he is entitled to his release on bail on point of further inquiry.

4. Learned A.P.G for the State, who is assisted by the complainant has opposed to release of the applicant on bail by contending that he is vicariously liable for the commission of 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 two days, such delay could not be lost sight of. The role attributed to the applicant in commission of incident is only to the extent of instigation; therefore, vicarious liability on his part obviously would be determined at trial. The parties are already disputed. 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*