

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

Criminal Bail Application No.S-1111 of 2021

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

**21.03.2022.**

Mr. Sher Ali Behan, Advocate for the applicant.  
Ms. Sana Memon, Assistant Prosecutor General, Sindh.  
Complainant Shamshad Ali is present in person.

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**IRSHAD ALI SHAH, J.-** It is alleged that the applicant with rest of the culprits, during course of robbery committed murder of Irshad Ahmed by causing him fire shot injuries, for that the present case was registered.

2. The applicant, on having been refused post-arrest bail by learned Additional Sessions Judge-I Tando Adam, 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 by way of further statement; there is no identification parade of the applicant and co-accused Nouman has already been admitted to bail, therefore, the applicant is entitled to be released 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 on arrest from applicant has been secured cheque book of the deceased.

5. Heard arguments and perused the record.
6. Admittedly the name and description of the applicant are not disclosed in F.I.R and he has been involved in commission of incident on the basis of further statement of the complainant and his own admission to guilt before police; further statement made by the complainant if any could hardly be treated as a part of F.I.R. The admission of guilt by the applicant before the police could hardly be treated as evidence. On investigation co-accused Muhammad Asif and Mst. Shahina have already been let-off by the police finding them to be innocent. Co-accused Nouman has already been admitted to bail by learned Trial Court. 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 release of applicant on bail on point of further inquiry obviously is made out; such concession could hardly be denied to him only for the reason that on arrest from him has been secured cheque book of the deceased.
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\*