

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

Criminal Bail Application No.S-94 of 2022

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

28.03.2022

Mr. Ishrat Ali Lohar, Advocate for applicant.
Ms. Safa Hisbani, A.P.G for the State.

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Irshad Ali Shah J:- It is alleged that the applicant with the rest of the culprits after having formed an unlawful assembly and in prosecution of their common object committed murder of Bheero Malhi by causing him iron road and lathi blows and then went away by causing lathi blows to PWs with intention to commit their murder, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned Additional Sessions Judge-I, Umerkot have sought for the same from this Court by making instant application u/s 497 Cr.P.C.

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 party in order to satisfy its dispute with him over plot; the F.I.R of the incident has been lodged with delay of about one day; there is counter version of the incident and co-accused Chandan and others have already been admitted to bail. By contending so, he sought for release of the applicant on bail on point of further inquiry and consistency.

4. Learned A.P.G for the State has opposed to release of the applicant on bail by contending that he has actively participated in commission of incident by causing iron rod blow to the deceased Bheero Malhi on his head; his case is distinguishable to that of co-accused Chandan and others and counter version of the incident has been invented by the accused party.

5. Heard arguments and perused the record.

6. The applicant is named in FIR with specific allegation that he with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object committed murder of the deceased by causing him iron rod blow and lathi blows and then went away by causing lathi blows to PWs with intention to commit their murder. The specific role of causing iron rod blow to the deceased on his head is attributed to the applicant. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party only to satisfy its dispute with him over plot. The delay in lodgment of FIR has been explained plausibly in F.I.R itself same even otherwise could not be resolved by this Court at this stage. The case of the applicant is distinguishable to that of co-accused Chandan and others. The lodgment of F.I.R of alleged counter version with delay of about 23 days to the incident that too after having a recourse under section 22-A&B Cr.PC prima facie suggests that the counter version of the incident has been invented by the accused party. On arrest from the applicant has been secured the iron rod which he allegedly used in

commission of incident. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. In view of above, it could be concluded safely that no case for grant of bail to the applicant is made out, consequently, the instant bail application is dismissed.

JUDGE

*Muhammad Danish**