

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

Criminal Bail Application No.S-787 of 2021

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

01.04.2022

Mr. Manzoor Ali Jessar, Advocate for applicant.
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.
Mr. Junaid Soomro, Advocate for complainant.

==

Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprits in furtherance of their common intention committed murder of Shahnaz Soomro by causing him *danda* blows, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Model Criminal Trial Court-I, Hyderabad has 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 lady has been involved in this case falsely by the complainant party only to satisfy its grudge with her; the F.I.R of the incident has been lodged with delay of about four days; no effective role in commission of incident has been attributed to the applicant; there is no forensic report with regard to CDR and co-accused Shakeel has already been admitted to bail by learned Trial Court. By contending so, he sought for release of the applicant on bail on point of further inquiry and consistency. In support of his contentions, learned counsel places reliance upon the case of *The State through P.G Sindh and others Vs. Ahmed Omar Sheikh and others [2021 SCMR 873]* and *Jiomal alias Jiaram Vs. The State [NLR 1995 Criminal 489]*.

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that she has actively participated in commission of incident by facilitating co-accused to commit death of the deceased and she has confessed her guilt by making a judicial confession.

5. Heard arguments and perused the record.

6. The F.I.R of the incident has been lodged with delay of about four days; such delay could not be overlooked. None actually has seen the applicant committing the alleged incident. If for the sake of arguments, it is believed that she has admitted her guilt by making a judicial confession and it is true and voluntarily, even then the role attributed to her in commission of incident is only to the extent that she called the deceased at the place of incident by making telephone call where he allegedly was done to death by co-accused Gulsher Chandio and others by causing him *danda* blows. In that situation, vicarious liability on her part obviously would call for its determination at trial. 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, guilt of the applicant is calling for further inquiry.

7. In view of above, the applicant is admitted to bail subject to her furnishing surety in 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