

IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-34 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of MA No.150 / 2023.
For hearing of main case.
28.04.2023

Mr. Suhendar Kumar, advocate for the applicant.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Amjad Ali Sahito, J:- Through instant bail application, the applicant/accused namely, Bilal s/o Mukhtiar Ali Mirjat seeks post-arrest bail in Crime No.98/2022, registered at Police Station Kotri for the offence under sections 302, 147, 149, 504, 337-A (i), 337-F (i) PPC. Earlier the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-II, Kotri vide order dated 20.12.2022.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant has mainly argued that the applicant/accused is innocent and has falsely been implicated in this case; that though the name of the applicant/accused transpires in the FIR but no specific role has been assigned against the applicant/accused; that the applicant/accused has been implicated in the instant crime due to enmity; that the allegations are general in nature; that the investigation is complete and the applicant/accused is no more required for further investigation. According to him this is a fit case for further inquiry and prayed for grant of bail to the applicant/accused.

4. On the other hand, learned A.P.G. Sindh has vehemently opposed the bail application; however, she admitted that no specific role has been assigned to the applicant/accused.

5. Heard and perused.

6. It is an admitted position name of the applicant/accused finds place in the FIR. *Prima facie*, no specific role of the applicant/accused is assigned to have committed murder of the deceased. As far as the allegation against the applicant/accused that he has shared the common intention with

co-accused in the commission of offence is concerned, it is yet to be determined at the trial. The applicant/accused is behind the bars and no purpose would be served to detain the applicant/accused in incarceration for an indefinite period keeping in view that if after long run if he is acquitted of the charge, nothing will bear his liberty. The investigation is complete and the applicant/accused is no more required for further investigation. Further, it is the well-settled principle of law that at the bail stage only a tentative assessment is to be made.

7. In view of the above facts and circumstances, learned counsel for the applicant/accused has made out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. Consequently, the applicant/accused is admitted to post-arrest bail, subject to his furnishing a solvent surety in the sum of Rs.1,00,000.00 (Rupees one hundred thousand only) and PR bond in the like amount to the satisfaction of learned trial Court.

8. It is made clear that if the applicant after getting bail will not appear before the trial Court and the trial Court is satisfied that the applicant becomes absconder and fugitive to law, then the trial Court is fully competent to take every action against the applicant/accused and his surety including cancellation of bail without referring to this Court.

JUDGE