

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-447 of 2023

(*Shahnawaz Bhutto Vs. The State*)

1. For Orders on office objection.
2. For hearing of Bail Application.

16-11-2023.

Mr. Aftab Hussain Shar, advocate for the applicant.

Mr. Muhammad Qayyum Arain, advocate for the complainant.

Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

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Irshad Ali Shah, J. It is alleged that the applicant committed murder of Gulzar Ali by causing him fire shot injuries in order to satisfy with him his dispute over landed property, for that the present case was registered.

2. On having been refused post arrest bail by learned Additional Sessions Judge, Moro; the applicant has sought for the same from this Court by way of instant Crl. Bail Application under section 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 on account of his dispute with them over landed property; FIR of the incident has been lodged with delay of about two day and presence of the complainant on the date of incident as per CDR report is indicated at Karachi; therefore the applicant being aged person is entitled to be released on bail on point of further inquiry.

4. Learned DPG for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that he is nominated in FIR with specific role of causing fire shot injuries to the

deceased. In support of their contention they relied upon the case of Rehmanullah alias Insaf Vs. The State and other (2020 SCMR 357).

5. Heard arguments and perused the record.

4. The applicant is named in the FIR with specific allegation that he committed murder of the deceased by causing repeated fire shot injuries to him only to satisfy with him his dispute over landed property. On arrest from the applicant has been secured the pistol, which was allegedly used by him in commission of incident and same has been found matched with the empties secured from the place of incident. In that situation it would be pre-mature to say that the applicant being innocent has been involved in this case falsely by the complainant party. The delay in lodgment of the FIR is well explained in FIR itself; same even otherwise could not be resolved by this Court at this stage. The presence of the complainant at the place of incident is indicated in FIR, which takes support from ancillary evidence; same could not be disbelieved on the basis of CDR report, which has not been subject to forensic examination. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged and no case for his release on bail on point of age alone is made out.

5. In view of above, the instant CrI. Bail Application is dismissed.

J U D G E