

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
 Crl. Bail Application No.S-514 of 2023
(Abdul Hameed Bhagat Vs. The State)

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

16-11-2023.

Mr. Shafi Muhammad Bango, advocate for the applicant.
 Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

>>>>>>...<<<<<<<<

Irshad Ali Shah, J. It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object committed murder of Ali Murad and Azhar Ali by causing them fire shot injuries in order to satisfy with them their grudge over matrimonial affairs and then went away by making aerial firing to create harassment, for that the present case was registered.

2. On having been refused post arrest bail by learned Ist Additional Sessions Judge (MCTC), Khairpur; the applicant has sought for the same from this Court by way of instant Crl. Bail 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 only to satisfy its dispute with them over matrimonial affairs; FIR is lodged with delay of about 18 hours and role attributed to the applicant in commission of incident only to the extent that he caused fire shot injury to deceased Ali on his right foot; therefore, he being aged person is entitled to be released on bail on point of further inquiry.

4. Learned DPG 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 fire shot injury to deceased Azhar Ali.

5. Heard arguments and perused the record.

4. The applicant is named in the FIR with allegation that he with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object went over to the complainant party and committed death of Ali Murad and Azhar Ali by causing them fire shot injuries. The specific role of causing fire shot injury to deceased Azhar Ali on his right foot is attributed to the applicant, which prima-facie suggest his active involvement in commission 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. Ancillary evidence supports the version of the complainant which could not be disbelieved at this stage. 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 Crl. Bail Application is dismissed.

J U D G E