

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No. S-142 of 2023
(*Sher Bahadur Mallah Vs. The State*)

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1. For Orders on office objection.
 2. For Orders on MA No. 1443/2023 (Ex./A)
 3. For hearing of Bail Application.

02-11-2023.

Mr. Aftab Hussain Shar, advocate for the applicant.
Mr. Mujahid Hussain Phulpoto, 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 with rest of the culprits during course of robbery not only committed murder of Rafique Ahmed by causing him fire shot injuries but caused butt blows to PW Shahbaz, for that the present case was registered. On refusal of bail by learned IInd Additional Sessions Judge, Khairpur; the applicant has sought for the same from this Court by way of instant Crl. Bail Application under section 497 Cr.P.C.

2. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant by way of further statement; therefore, he is entitled to be released on bail on point of further inquiry, which is opposed by learned DPG for the State and learned counsel for the complainant by contending that he is involved in commission of incident on the basis of vicarious liability and case is ripe for trial.

3. Heard arguments and perused the record.

4. The FIR of the incident has been lodged with delay of about 03 days; yet it does not contain name and description of the applicant, those have been disclosed subsequently by way of further statement that too with no active participation in commission of incident; the case has finally been challaned and there is no likelihood of absconsion or tempering with the evidence on part of the applicant. In these circumstance; a case for release of the applicant on bail, on point of further inquiry obviously is made out, such concession could not be withheld only for the reason that the case is ripe for evidence.

5. In view of above the applicant is admitted to bail subject to his furnishing solvent surety in sum of Rs.200,000/- (Two lacs) and P.R bond in the like amount to the satisfaction of learned trial Court.

6. The instant bail application is disposed of accordingly a/w listed application.

J U D G E

Nasim/P.A