

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
 Crl. Bail Application No.S-627 of 2023
 (Saddam Gopang Vs. The State)

1. For Orders on office objection.
2. For Orders on MA No. 5569/2023.
3. For hearing of bail application.

ORDER.
 06-12-2023.

Mr. Ghulam Shabbir Bhutto, advocate for the applicant.
 Mr. Imran Mobeen Khan, Assistant P.G for the State.

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Irshad Ali Shah, J;- It is alleged that the applicant with rest of the culprits in furtherance of their common intention, pushed down Zahid Ali after maltreatment, by such act, he sustained injury on his cervical spine and subsequently died of such injury, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Ist Additional Sessions Judge/ MCTC, Khairpur, has sought for the same from this Court by way of instant 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; the FIR of the incident has been lodged with delay of more than 20 days and the applicant is custody for more than one year; therefore, he is entitled to be released on bail on point of further inquiry.

4. None has come forward to advance arguments on behalf of the complainant. However, learned Assistant P.G for the State has opposed to release of the applicant on bail by contending that it was he pushed down the deceased from brickline thereby he sustained injuries and died.

5. Heard arguments and perused the record.

6. The applicant is named in FIR with specific allegation that he asked the deceased to serve him water, which he hesitated to serve him promptly, consequently besides maltreatment, he (the applicant) pushed him down from the brickline, resultantly he (the deceased) sustained cervical spine injury, he in injured condition was taken to Rural Health Center, Ranipur, then to Civil Hospital Khairpur and then to Jinnah Hospital at Karachi, there he died of such injury. 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 complainant party apparently was having no reason to have involved the applicant in this case falsely. The delay in lodgment of the FIR is well explained in FIR itself, such delay even otherwise could not be resolved by this Court at this stage. The applicant may be in custody for more than one year but such custody in case like present one is not enough to admit him to bail by making a conclusion that it constitutes a case of hardship. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged. No case for release of the applicant on bail is made out. Consequently, the instant Bail Application is dismissed with direction to learned trial Court to expedite the disposal of the case against the applicant preferably within three months after receipt of copy of this Order.

Judge