

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
 CrI. Bail Application No.S-796 of 2023
 (Khalil Ahmed Hyderani Vs. The State)

1. For Orders on office objection.
2. For Orders on MA No. 6804/2023. (Ex./ A)
3. For hearing of bail application.

ORDER.
 18-12-2023.

Mr. Shamsuddin N.Kobhar, advocate for the applicant.
 Mr. Shabbir Ali Bozdar, advocate for the complainant.
 Mr. Aftab Ahmed Shar, Additional 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 by making trespass into house of complainant Nadir Ali, caused fire shot injury to PW Muhammad Yousif with intention to commit his murder, for that the present case was registered.

2. On having been refused post arrest bail by learned Ist Additional Sessions Judge, Mirpur Mathelo, the applicant 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 by the complainant party in order to satisfy its enmity with him and injury sustained by PW Muhammad Yousif is not falling within prohibitory clause. By contending so, he sought for release of the applicant on bail on point of further inquiry. In support of his contention, he relied upon case of *Jamaluddin and another Vs. The State* (2023 SCMR 1243).

4. Learned APG for the State and learned counsel for the complainant have 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 PW Muhammad Yousif.

5. Heard arguments and perused the record.

6. The incident initially was report to police by PW Ghulam Murtaza, it was recorded under roznamcha entry No. 41 dated 25-09-2023 of PS Mirpur Mathelo; it does not contain the name of the applicant. The injury sustained by PW Muhammad Yousif is on his vest, it is non-vital part of his body, it is not falling within prohibitory clause of section 497 (2) Cr.P.C. No fire shot injury was repeated. The parties are already disputed with each other. Co-accused Gul Hassan and two others have already been admitted to bail by learned trial Court. The case has finally been challaned and there is no likelihood of tempering with the evidence on the part of the applicant. In these circumstances a case for release of the applicant on bail on point of further enquiry obviously is made out.

7. In view of above, the applicant is admitted to bail subject to him furnishing solvent surety in sum Rs.50,000/- and PR bond in the like amount, to the satisfaction of the learned trial Court.

8. The instant bail application is disposed of accordingly together with listed application.

J U D G E