

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No. S -685 of 2023

(Najeebullah Mashori Vs. The State)

1. For Orders on office objection.
2. For Orders on MA No. 5980/2023 (Ex./ A)
3. For hearing of bail application.

12-02-2024.

M/s. Qurban Ali Malano and Syed Israr Ahmed Shah advocates for the applicant.

Complainant Bangul Khan.

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 after having formed an unlawful assembly and in prosecution of their common object, committed murder of Muhammad Hassan by causing him fire shot injuries, for that the present case was registered.

2. The applicant on having been refused post-arrest bail by learned IIIrd Additional Sessions Judge, Ghotki 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 in order to satisfy his matrimonial dispute with him; the FIR has been lodged with delay of about 01 day; co-accused Akber and Saifullah have already been admitted to bail by this Court and there is no recovery any sort is made from the applicant; therefore, he is entitled to be released on bail on point of further inquiry.

4. Learned Additional P.G for the State, who is assisted by the complainant has opposed to release of the applicant on bail by

contending that he has actively participated in commission of the incident by causing one of the fire shot injury to the deceased and now is defeating the trial for one or other reason.

5. Heard arguments and perused the record.

6. As per FIR, the applicant with rest of culprits after having formed an unlawful assembly in prosecution of its common object went over to the complainant party and committed murder of Muhammad Hassan by causing him fire shot injuries. The specific role of causing one of the fire shot injury to the deceased is attributed to the applicant; therefore, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party. The matrimonial dispute between the parties may be there, but it may not be a reason for false involvement of the applicant in case like the present one. The delay in lodgment of the FIR by one day is well explained in FIR itself, same even otherwise could not be resolved by this Court at this stage. The case of co-accused Akber and Saifullah is distinguishable from the case of the applicant; they were assigned no active role in commission of the incident. There may not be recovery of any sort from the applicant, but such fact alone is not enough to conclude that the case of the applicant is calling for further inquiry, which may justify this Court to release him on bail. 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 is made out.

7. In view of above, the instant bail application is dismissed.

Judge