

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 891 of 2023

(Pervaiz Ahmed Khoso Vs. The State)

1. For Orders on MA No. 7695/2023 (Ex./A).
2. For hearing of Bail Application.

20-02-2024.

Mr. Ali Gul Abbasi advocate for the applicant.
Mr. Amanullah G.Malik advocate for the complainant.
Syed Sardar Ali Shah Rizvi, Additional for the State.

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1. Granted subject to all just legal exceptions.
2. It is alleged that the applicant with rest of the culprits in furtherance of their common intention committed murder of Shafi Muhammad by causing him fire shot injuries at the Otaq of Israr Ahmed Khoso, for that the present case was registered.
3. The applicant on having been refused post-arrest bail by learned Ist Additional Sessions Judge/ (MCTC-I), Sukkur; has sought for the same from this Court by way of instant Crl. Bail Application u/s 497 Cr.P.C.
4. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant only to satisfy with him his dispute over property; it was the applicant, who identified the dead body of the deceased at Hospital and he subsequently has been involved by the complainant in this case after due consultation by lodging his FIR with delay of about one day; therefore, he is entitled to be released on bail as his case is calling for further inquiry.

5. Learned Additional P.G for the State and learned counsel for the complainant have sought for dismissal of the instant bail application by contending that the applicant is fully implicated in commission of incident with specific role and on arrest from him has been secured the pistol, which was used by him in commission of the incident and same has been found matched with one of the empty secured from the place of the incident.

6. Heard arguments and perused the record.

7. The applicant is named in the FIR with allegation that he with rest of the culprits went over to the deceased and then committed his murder by causing fire shot injuries with pistol. The specific role of causing fire shot injuries to the deceased with his pistol is attributed to the applicant. On arrest from him has been secured the incriminating pistol, which has been found matched with one of the empty secured from the place of the incident. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant only to satisfy with him, his dispute over the property. The dispute between the parties over the property may be there but it may not be a reason for involvement of the applicant in this case falsely at the cost of life an innocent person. The delay in lodgment of FIR by one day is well explained in FIR itself, same even otherwise could not be resolved by this Court at this stage. Mere identity of the dead body of the deceased by the applicant at Hospital is not enough to conclude that he is innocent and his case is calling for further inquiry. The deeper appreciation of the facts and circumstance even otherwise is not permissible at bail 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 is made out.

8. In view of above, the instant bail application fails and is dismissed accordingly.

Judge

Nasim/P.A