

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No. S - 15 of 2024
(*Shakeel Ahmed Solangi Vs. The State*)

Hearing of bail application

25-03-2024.

Mr. Faiz Muhammad Brohi, advocate for the applicant.
Mr. Abdul Karim Luhrani, advocate for the complainant.
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.
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Irshad Ali Shah, J;-It is alleged by the prosecution that the applicant with rest of the culprits in furtherance of their common intention committed death of Abdul Ghaffar by causing him injuries of *Dandari* (an instrument used for cultivation purpose), for that the present case was registered.

2. The applicant on having been refused pre-arrest bail by learned Sessions Judge, Naushahro Feroze has sought for the same from this Court by way of instant bail application u/s 498 CrPC.

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 in order to satisfy with him its grudge over water rotation; the FIR of the incident has been lodged with delay of about 10 days and the deceased has died of injuries, which he sustained on account of his fall from motorcycle; therefore, he is entitled to be admitted to pre-arrest bail on point of further inquiry and mala fide.

4. Learned Additional PG for the State and learned counsel for the complainant have sought for dismissal of instant Bail Application by contending that the delay in lodgment of the FIR was natural as the

deceased was referred to Karachi for treatment of his injuries before his death and the Photostat copy of the Certificate indicating the death of deceased on account of fall from motorcycle is managed one and incident is fully captured in video recording, which is secured by the police during course of investigation.

5. Heard arguments and perused the record.

6. The applicant is named in FIR with specific allegation that he caused injuries to the deceased on his head with *Dandari* (an instrument which is being used for cultivation purpose). On sustaining such injury, the deceased first was taken to RHC Tharu Shah and then to Karachi with object to save his life and this was the reason which caused delay in lodgment of the FIR, which appears to be natural in the circumstances; such delay even otherwise could not be resolved by this Court at this stage. No much reliance could be placed upon Photostat copy of Medical Certificate suggesting death of deceased on account of his fall from motorcycle simply for the reason that it is not available in police file and it is alleged to have been managed by the applicant. The deeper appreciation of the facts and circumstances even otherwise is not permissible at bail stage. It would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged and no case for grant of pre-arrest bail to him is made out.

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

Judge