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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
CrI.Bail Appln.No.D-28 of 2020

Date of hearing	Order with signature of Judge
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For hearing of bail application.

22.09.2020

Mr. Mazhar Ali Bhutto, Advocate for the applicants
Mr. Muhammad Noonari, D.P.G for the State

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IRSHAD ALI SHAH, J.- It is alleged that the applicants with rest of the culprits, in furtherance of their common intention, fired and injured PW Qutubuddin with intention to commit his murder within District Court premises Larkana and then made fires in air to create harassment/terrorism to deter the police party on duty, from discharging its lawful duty as public servants, for that the present case was registered.

2. The applicants on having been refused post-arrest bail by learned Special Judge, Anti Terrorism Court, Larkana, have sought for the same from this Court by way of instant application u/s. 497 Cr.PC.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party. PW Qutubuddin on account of his failure to support the case of prosecution has been declared hostile to the prosecution and the applicants are in custody for more than 02 years. By contending so, he sought for release of the applicants on bail on point of further inquiry.

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4. Learned D.P.G. for the State has opposed to release of the applicants on bail by contending that the applicants have been apprehended at the spot with crime weapons.

5. We have considered the above arguments and perused the record.

6. The applicants are in custody for more than 02 years and conclusion of the trial against them is not within sight. No useful purpose therefore would be served, if the applicants are kept in custody for indefinite period particularly when PW Qutubuddin being sole independent witness to the incident has not supported the case of prosecution. In these circumstances, it could be concluded safely that there appear reasonable grounds to believe that the applicants are not guilty of the offence with which they have been charged.

7. In view of above, the applicants are admitted to post arrest bail subject to their furnishing solvent surety in the sum of Rs.100,000/- (One Lac) each and P.R bond in the like amount to the satisfaction of learned trial Court.

8. Needless to say that the observation recorded hereinabove is tentative in nature, which shall not affect the case of either party at trial.

9. The instant bail application is disposed of accordingly.


JUDGE


JUDGE