

## IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Cr. Bail Application No. S-310 of 2024.

M/s Muhammad Hanif Maitlo and Waqar Ali Phulpoto, Advocates for applicant.  
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

Date of hearing: **25-10-2024**

Date of order: **25-10-2024**

### **ORDER**

**ZULFIQAR ALI SANGI, J.-** Through instant Criminal Bail Application applicant Luqman Ali seeks post-arrest bail in Crime No.02 of 2022, registered at P.S, Tepani Bahleem under sections 302, 337H(ii) & 34 PPC after his bail plea was rejected by learned trial Court vide order dated 05.03.2024.

2. Facts of the prosecution case are already mentioned in FIR, therefore, there is no need to reproduce the same.

3. It is contended by learned counsel for the applicant that there is delay of four days in lodging of the FIR; that complainant though mentioned in FIR that there is old enmity; however, it is denied that there is no enmity with the complainant; that further of complainant was recorded after 11 months of the incident to correct the parentage of applicant and nothing was recovered from him; that applicant was already confined In jail and thereafter mashirnama of arrest has been prepared. Hence, the case of the applicant requires further enquiry. He has relied upon case of Chaudhry Nadeem Sultan v. The State (2022 SCMR 663).

4. Learned Additional P.G for the State has opposed the bail on the ground that the applicant is nominated in FIR with specific role and all the PWs have supported the case of prosecution coupled with medical evidence; therefore, the applicant is not entitled for concession of bail.

5. Heard learned counsel for applicant as well learned APG and perused the material available on record. From perusal of record, it

reflects that applicant is nominated in FIR with specific role that he caused gunshot injuries to deceased who died at the spot. Postmortem was conducted on the same date which is supportive in nature to the case of the prosecution. All the PWs in their statements have supported the case of complainant. The delay in registration of FIR alone is no ground to grant bail in absence of any other material which makes the case of the applicant to that of further enquiry.

6. Under the circumstances, there appear reasonable grounds to believe that the applicant has committed the alleged offence which is punishable with death or imprisonment for life, hence the case of applicant falls within the prohibitory clause of section 497 Cr.P.C. It is also settled principle of law that at bail stage, deeper scrutiny of material available on record is unwarranted, as that would affect the merits of the case at the trial. However, tentative assessment of material available on record prima facie connects the applicant with the commission of offence.

7. Accordingly, in view of above, this bail application is **dismissed**. The observations made hereinabove are tentative and would not influence learned Trial Court at the time of deciding the case as the same are only for deciding this bail application.

JUDGE

AHMAD