

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.**

Criminal Bail Application No.S-548 of 2024

Applicant : Orangzeb through Mr. Ghulamullah Chang, Advocate.
Respondent : The State through Ms. Rameshan Oad, Assistant
Prosecutor General Sindh along with I.O. Subhan
Pathan PS Market.
Complainant : None present.
Date of hearing : 18.11.2024.
Date of Order : 18.11.2024.

ORDER.

Amjad Ali Sahito, J:- Through instant bail application, the applicant/accused namely, Orangzeb seeks post-arrest bail in Crime No.99/2023, registered at Police Station Market Hyderabad for the offence under section 302, 201, 34 PPC. Earlier the bail plea of the applicant/accused was declined by the learned MCTC-II/Additional Sessions Judge-IV, Hyderabad vide order dated 01.04.2024.

2. The details of the FIR are included in the bail application and its attached copy, so there is no need to restate them here.

3. Learned counsel for the applicant contends that the applicant/accused is innocent and has falsely been implicated in this case; that the FIR is delayed by six days; that there is no eye witness of the incident and the applicant has been implicated on the basis of assumptions and presumptions; that in fact the deceased committed suicide and on coming to know, the applicant and his family members took her to the hospital but she had already expired and was declared by the doctor; however, the complainant has implicated the applicant without having any proof even no specific role is assigned to the applicant; that as per chemical report, it is negative, DNA says that the blood analyzed was not of human blood but of the animal; that as per medical officer no fracture was found to the deceased. Learned counsel further contends that the applicant is behind the bars and no purpose would be served if he is kept in Jail for an indefinite period notwithstanding that the investigation is complete and applicant is no more required for further investigation, as such, the case of applicant requires further inquiry. He lastly prayed for grant of bail to the applicant.

4. Learned A.P.G. Sindh has opposes the grant of bail in favour of applicant by contending that the applicant is very much involved in the commission of offence, hence, he is not entitled for the concession of bail.

5. Heard and perused the record.

6. Admittedly, the applicant is husband of Mst. Eman, who was aged about 17/18 years. Per contents of FIR, it appears that there was quarrel took place between the applicant and Mst. Eman, as such, she left the house of applicant and started residing in the house of her parents; however, later on due to intervention she returned. Thereafter she was found dead in the house of applicant and the applicant informed the family members of deceased Mst.Eman. However, before reaching of complainant party, bath was given to the deceased. Mst. Dua intended to see her deceased sister but she was restrained by the sister of applicant namely Mst. Savera. Thereafter funeral ceremonies had taken place. However, when Mst. Dua, visited the room of the deceased, she noticed blood stains on the walls and other parts, she also shown such blood staining to her husband Gufran who took pictures from his Mobile phone. On the third day, Mst. Dua also found dopatta of deceased Mst. Eman from the place where she was given bath, which was also blood stained. Then the matter was reported to the police on 06.07.2023 and produced dopatta of Mst. Eman and said for consultation with his family members for registration of FIR and the police initiated proceedings. However, on knowing the fact of killing of deceased by her husband applicant with the help of his housemates and concealment of the offence, present FIR was lodged.

7. So far the contention raised by the learned counsel that the FIR was lodged with a delay of six days, it is noted from the face of FIR that no *mala fide* appears on the part of complainant. If the complainant had intended to falsely implicate the applicant, it would be reasonable to expect that the FIR would have been lodged instantaneously after the incident. However, after the funeral and burial of the deceased, it was only when the complainant party discovered blood stains on the walls and other parts of the room, finding the blood-stained dopatta of the deceased, photographs and collecting evidence etc. and then the complainant lodged instant FIR. This delay has been adequately explained in the FIR and *prima facie* indicates effort to find out the truth rather than any intention to falsely implicate the applicant in a heinous crime. The ground taken by the learned counsel with regard to the DNA report etc, suffice to say that at bail stage, only a provisional assessment is made.

8. In view of the above facts and circumstances, learned counsel for the applicant has failed to make out the case for further inquiry. Consequently,

instant criminal bail application is **dismissed**. However, learned trial Court is directed to conclude the trial within sixty (60) days from receipt of this order.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Abdullah Channa/PS