

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

Cr. B.A. No. S- 924 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
01.02.2016	

1. For Orders on Office Objection
2. For Hearing

Mr. Ghulamullah Chang, Advocate for applicant
Mr. Zainuddin Baloch, Advocate for Complainant
Mr. Shahzado Saleem Nahiyoan, A.P.G.

The applicant is accused in Crime No. 31 of 2013 registered at Police Station A-Section Dadu under Section 302 and 34 PPC.

The allegations against the applicant are that he along with co-accused namely Sikandar and Usman duly armed with pistol caused firearm injuries to the deceased.

The grounds which learned counsel for the applicant have urged in support of this application are that there is delay in registration of FIR; that no independent person has been cited as a witness; that enmity between the parties is admitted which is even mentioned in the FIR; that preliminary inquiry was conducted prior to registration of FIR which is illegal. Lastly learned counsel has relied upon 2012 YLR 788, 2011 YLR 2056, 2011 YLR 1147 & 2011 YLR 1306.

Counsel for complainant on the other hand has argued that the applicant is nominated in the FIR. After his arrest recovery of crime weapon i.e. pistol was recovered from him. The said pistol was sent to the ballistic expert for his opinion and the report has come in positive. That the role attributed to the applicant is supported by medical evidence which shows seat of injuries on the person of deceased exactly on the same places which are shown in the FIR against the applicant. According to him delay in registration of the FIR has properly been explained by the complainant.

Learned APG has supported the arguments of learned counsel for complainant and has opposed the grant of bail to the applicant.

I have heard the parties and perused the material including the decisions cited at the bar.

In FIR, the applicant is nominated with specific role of causing firearm injuries to the deceased. After his arrest, the pistol which he allegedly used in the commission of offence was recovered from him and the record reflects that this pistol was sent to the ballistic expert for examination and the report has come in positive that it was used. The injuries found on the person of deceased during post-mortem have lent credibility to the role attributed against the applicant. The delay *per se* in registration of FIR cannot be considered a ground for grant of bail to the applicant in presence of prima facie evidence connecting him in the commission of the offence.

In my view the case for grant of bail is not made out in favour of the applicant. The instant application, is therefore, dismissed. However, the trial court is directed to record the evidence of the witnesses within a period of three months from today and in case the applicant has not engaged any counsel, so far, the counsel on the government expenses shall be provided to him.

With these observations which are tentative in nature, this application is disposed of.

JUDGE