

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
Crl. Bail Application No. S- 610 of 2023  
( *Momin Kalhoro Vs. The State*)

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1. For Orders on office objection.
2. For hearing of Bail Application

**22-01-2024.**

Mr. Achar Khan Gabole advocate for the applicant.  
Mr. Shafi Muhammad Mahar, DPG PG for the State.

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**Irshad Ali Shah, J;-** It is alleged that the applicant and others after having formed an unlawful assembly and in prosecution of its common object, in order to satisfy its matrimonial dispute, went over to the complainant party; put hedge of their house on fire, committed murder of Abdul Jabbar and Ghulam Qadir by causing them fire shot injuries and/or putting them in fire and then went away making fires at the complainant party within intention to commit their murder, for that the present case was registered.

2. The applicant on having been refused post-arrest bail by learned Ist Additional Sessions Judge/ (MCTC), Naushahro Feroze; has sought for the same from this Court by way of instant Crl. Bail Application under section 497 Cr.P.C.

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 only to satisfy with him its dispute over matrimonial affairs; the FIR of the incident has been lodged with delay of about one day and there is general allegation against the

applicant; therefore, he is entitled to be released on bail on point of further inquiry.

4. Learned DPG for the State has sought for dismissal of the instant bail application by contending that the applicant is fully implicated in commission of incident with specific role.

5. Heard arguments and perused the record.

6. The applicant is named in the FIR with allegation that he along with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object went over to the complainant party, put hedge of their house on fire, committed murder of Abdul Jabbar and Ghulam Qadir by causing them fire shot injuries and/or putting them in fire. Specific role of catching hold of deceased Ghulam Qadir with rest of the culprits and then committing his murder by putting him in fire is attributed to the applicant. In that situation it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party. The delay in lodgment of the FIR by one day is well explained in FIR itself, same even otherwise could not be resolved at this stage by this Court. The deeper appreciation of facts and circumstances is not permissible at bail stage. 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 bail to them is made out.

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

Judge

Nasim/P.A