

Order Sheet

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

Cr. Bail A. No.S-897 of 2016.

Liaquat Ali

Versus.

The State

Applicant : Liaquat Ali                      Through Mr. Sajjad Ahmed Chandio,  
Advocate.

Respondent : The State                      Through Mr. Shahid Ahmed Shaikh,  
A.P.G.

Date of hearing                                      06.06.2017.

Date of judgment                                      06.06.2017.

**ORDER**

Through instant bail application, applicant seeks post-arrest bail in Crime No.36/2016, registered at Police Station Cantonment Hyderabad, under sections 302, 109 and 34 PPC.

2. Precisely, relevant facts of the prosecution case are that in presence of Mst. Kainat accused Talib Hussain and Sadaqat entered into the clinic of Dr. Mujahid Siddiqui and on the instigation of present applicant, while dragging the deceased, accused Sadaqat fired upon complainant's brother namely, Faqeer Muhammad. As a result of which, said Faqeer Muhammad succumbed to the injuries. Statement of Mst. Kainat under section 164 Cr.P.C. was also recorded.

3. At the outset, learned counsel for the applicant, *inter alia*, contends that applicant was not present at the scene and on mere suspicion he was arraigned; whereas, in 164 Cr.P.C. statement of eye-witness, she has not implicated the present applicant, even with the role of instigation.

4. Learned APG has not disputed the facts as agitated by learned counsel for the applicant. Since presence of applicant at the alleged time of incident was not *later* stuck by eye-witness and a mere

suspicion in law is neither a reasonable ground to believe one guilty of an offence as it (suspicion) is not a substitution of *evidence*. The applicant *prima facie* was booked merely on suspicion of the witness who *even* did not stick with such portion during course of investigation. Accordingly, this is a fit case of further probe, hence, the applicant is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees one lac) and P.R. Bond in the like amount to the satisfaction of the trial Court.

Bail application stands disposed of.

JUDGE

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