

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S- 478 of 2019

Taimoor	-----	Applicant
Vs.		
The State and another	-----	Respondent

Date of Decision: 28.06.2019

Mr. Saleem Qambrani, advocate for applicant.
Mr. Shahid Ahmed Shaikh, Deputy Prosecutor General, Sindh.

ORDER

IRSHAD ALI SHAH, J: - It is alleged that the applicant with rest of the culprits in furtherance of their common intention committed Qatl-e- amd of Ali Muhammad, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned 3rd Additional Sessions Judge, Hyderabad has sought for the same from this Court by way of instant bail application u/S 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, the FIR of the incident has been lodged with delay of about 03 days, none has seen the applicant committing the alleged incident, the involvement of the applicant in this case on the basis of recovery of clothes of the deceased is appearing to be doubtful, co-accused Muharram has already been admitted to bail. By

contending so, he sought for release of the applicant on bail on point of further inquiry. In support of his contention he has relied upon the cases of **Imam Bux v. The State (2009 P.Cr.L.J 476)**, and case of ***Muhammad Khokhan alias Rafiq alias Khokha (2002 P.Cr.L.J 602)***.

4. Learned A.P.G. for the State has opposed to grant of bail to the applicant by contending that the applicant has committed the alleged incident in celandine manner.

5. I have considered the above arguments and perused the record.

6. None has seen the applicant committing the alleged incident. The involvement of the applicant on the basis of suspicious and recovery of the clothes of the deceased is appearing to be doubtful. Even otherwise no explanation is offered by the complainant for lodging his FIR with delay of about 03 days. The 161 Cr.P.C. Statements of the P.Ws have also been recorded with further delay of 05 days to FIR which appears to be significant. In these circumstances, the guilt of the applicant obviously is calling for further inquiry.

7. In view of above, the applicant is admitted to post arrest bail subject to his furnishing surety in the sum of Rs.2,00,000/- and PR bond in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of in above terms.

JUDGE