

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

Criminal Bail Application No.S-840 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections. 2. For hearing of main case.

16.11.2020.

Mr. Ahsan Zahoor Baloch, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Karamullah Memon, Advocate holding brief for learned
counsel for the complainant.

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ORDER

Irshad Ali Shah J:- It is alleged that the applicants with rest of the culprits in furtherance of their common intention caused hatchets and iron rod blows to PWs Aftab alias Raja, Niaz Muhammad, Muhammad Urs and Raheel with intention to commit their murder and then went away by making aerial firing to create harassment, for that the present case was registered.

2. The applicants on having been refused post arrest bail by the learned 1st Additional Sessions Judge/MCTC Badin have sought for the same from this Court by way of instant application U/S 497 Cr.P.C.

3. It is contended by the learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy their old dispute with them; complainant is not an eye witness of the incident; 161 Cr.P.C statements of the PWs have been recorded with considerable delay to F.I.R and co-accused Sarwar Ali and Hameer have already been admitted to bail by learned Trial Court. By contending so, he sought for release of the applicants on bail on point of further inquiry. In support of his contention, learned counsel has relied upon cases of *SHAHVAIZ alias Shoaibi Vs. The State and another, (2019 P Cr. L J Note 158), MUHAMMAD JAHANGIR Vs.*

The State and another (2019 P Cr. L J 74), Rasoolo Vs. The State (2020 P Cr. L J Note 166) and Saqib and others Vs. The State and others (2020 SCMR 677).

4. Learned A.P.G for the State and counsel who is holding brief for learned counsel for the complainant have opposed to release of the applicants on bail by contending that they have effectively participated in the commission of incident by causing hatchet and Iron rod blows to the said PWs with intention to commit their murder.

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

6. Complainant Nisar Ali is not an eye witness of the incident. All the injuries to the injured were found to have been caused to them with some hard blunt substance which belies the allegation of the complainant party that the said injured were also caused injuries with hatchets which is sharp cutting weapon. Whether injuries with some hard blunt substance were caused to the above said injured with intention to commit their murder? It requires determination at trial. Parties are already disputed. Co-accused Sarwar Ali and Hameer have already been admitted to bail. The case is finally challaned. In these circumstances, a case for grant of bail to the applicants on point of further inquiry obviously is made out.

7. In view of above, the applicants are admitted to bail subject to their furnishing surety in sum of Rs.50,000/- each and PR bonds in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno*