

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD  
Criminal Bail Application No.S-894 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.  
For hearing of main case.

07.12.2020.

Syed Faiz Ahmed Shah, Advocate for applicant.  
Ms. Sobia Bhatti, A.P.G for the State.  
Mr. Mufeed Ahmed Narejo, Advocate for complainant.

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**ORDER**

**Irshad Ali Shah J:-** It is alleged that applicant with rest of the culprit in prosecution of their common intention not only committed qatl-i-amd of Ibrahim by causing him “*Khaheero*” injuries but caused “*Khaheero*” injuries to PW Mst. Ameena with intention to commit her murder, for that present case was registered.

2. The applicant on having been refused post arrest bail by learned Additional Sessions Judge-IV, Dadu have sought for the same from this court by way of making instant 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 in order to satisfy its dispute with him over harvestation of crop; the FIR has been lodged with delay of about six days; no specific injury to the deceased is attributed to the applicant and complainant and PWs are related interse, therefore, the

applicant is entitled to grant of bail on point of further enquiry. In support of his contention he relied upon case *Liaqat Ali vs the State (2011 SCMR 910)*.

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to grant of bail to the applicant by contending that he has actively participated in commission of incident by causing "*Khaheero*" injuries to the deceased on his head.

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

6. The name of the applicant is appearing in the FIR with specific allegation that he caused injury to the deceased on his with "*Khaheero*", in order to satisfy his grudge with him over harvestation of crop. In that situation, it would be wrong to say that no specific injury to the deceased is attributed to the applicant. No doubt the FIR is lodged with delay of about six days, but it is explained in FIR itself plausibly; such delay even otherwise, could not be resolved by this Court at this stage. The complainant and PWs may be related interse, but their relationship is not enough to disbelieve them at this stage. It would be premature to make a conclusion that the applicant being innocent has been involved in this case falsely by the complainant party. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. The case law which is relied upon by learned counsel for the applicant is on distinguishable facts and circumstances. In that case

the accused was acquitted by Hon'ble apex Court while hearing an appeal. In the instant case, no acquittal is before the Court.

8. In view of the facts and reason discussed above, it could be concluded safely that the applicant is not found entitled to be released on bail. Consequently, his bail application is dismissed with direction to learned trial Court to expedite disposal of the case preferably within three months after receipt of copy of this order.

9. Needless to state, that the observation recorded above is tentative in nature; same may not affect the case of either of the party at trial.

**JUDGE**