

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD
Criminal Bail Application No.S-900 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.

Mr. Altaf Hussain Chandio, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Abdul Rahim Gajo, Advocate for complainant.

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ORDER

Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprit in furtherance of their common intention not only committed Qatl-i-amd of Mst. Shamim Akhtar and Suhail Aitbar by causing them fire shot injuries but caused fire shot injuries to PW Sufiyan Ali with intention to commit his murder, for that present case was registered.

2. The applicant on having been refused post arrest bail by learned 3rd Additional Sessions Judge, Shaheed Benazirabad has 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 enmity with him over landed property; the FIR has been lodged with delay of about one day and no specific injury to the injured or the deceased is attributed to the applicant; complainant and PWs are related interse therefore,

the applicant is entitled to be released on bail on point of further enquiry. In support of his contention he relied upon case of *Jaffar and others vs The State (1980 SCMR 784)*.

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 fire shot injury to deceased Suhail Aitbar and on arrest from him has been recovered the crime weapon.

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 fire shot injury to deceased Suhail Aitbar. On arrest from him has been recovered the incriminating weapon therefore, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party in order to satisfy its enmity with him over landed property. No doubt the FIR of the incident has been lodged with delay of about one day, but it is explained in FIR itself; such delay even otherwise, could not be resolved by this Court at this stage. The deeper appreciation of facts and circumstances are not permissible at bail stage. The complainant and PWs may be related interse, but their relationship is not enough to disbelieve them at this stage. 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 there was counter version of the incident and it was the main reason for admitting the accused to bail. In the instant case, there is no counter version of the incident.

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