

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

Criminal Bail Application No.S-727 of 2020

| DATE | ORDER WITH SIGNATURE OF JUDGE |
|--------------------------|-------------------------------------|
| | 1. For orders on office objections. |
| | 2. For hearing of main case. |
| <u>22.12.2020</u> | |

Mr. Farhad Ali Abro, Advocate for the applicant.
Ms. Sobia Bhatti, Assistant Prosecutor General, Sindh.
Mr. Aijaz A. Awan, Advocate for the complainant.
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Irshad Ali Shah J.- It is alleged that the applicant with rest of the culprits in furtherance of their common intention not only committed murder of Jahangir but misappropriated his mobile phones and keypad, put his dead body in a iron box and then thrown it on National Highway in order to save themselves from legal consequences, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned IInd Additional Sessions Judge, Hyderabad has sought for the same from this Court by way of 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, his name is neither appearing in F.I.R nor in further statement of the complainant he is ascribed as an accused, therefore, his involvement on the basis of statement of co-accused and alleged recovery of mobile phone of the deceased from him is calling for further inquiry. By contending so, he sought for release of the applicant on bail pending trial. In support of his contention, he has relied upon

case of *Hidayat Khan Vs. The State and another (2020 SCMR 423)* and *Nouman Khan alias Roman Vs. The State and others (2020 SCMR 666)*.

4. Learned Assistant Prosecutor General, Sindh for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that he has facilitated the death of the deceased.

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

6. None has seen the applicant committing the alleged incident. The F.I.R of the incident has been lodged with delay of about three days which appears to be significant, even otherwise, the name of the applicant is not appearing therein. In these circumstances, the involvement of the applicant in commission of incident on the basis of his alleged extra judicial confession before police or recovery of one of the mobile phone and keypad of the deceased obviously is calling for further inquiry.

7. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.200,000/- (Rupees Two Lacs) and PR bond in the like amount to the satisfaction of learned Trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno*