

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-1239 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

For orders on office objection.
For hearing of main case.

12.01.2021.

Mr. Muhammad Jameel Ahmed, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for the State.
Mst. Khairan mother of deceased Khan Muhammad present in person.

==

ORDER

Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprits in furtherance of their common intention committed qatl-i-amd of Khan Muhammad and Mst. Hajran under the pretext of “Karap” and then went away by making aerial firing to create harassment after issuing threats of murder to complainant Ghulam Abbas and his witnesses, for that he was booked accordingly.

2. The applicant on having been refused post arrest bail by learned Additional Sessions Judge-I, Tando Adam 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 police otherwise, it was he, who has informed the police about the incident; no effective role in commission of incident even otherwise is attributed to the applicant and legal heirs of both the deceased

have already recorded no objection to release of applicant on bail by filing their respective affidavits before learned trial Court, therefore, the applicant is entitled to release on bail on point of further inquiry.

4. Learned A.P.G for the State has opposed to release of the applicant on bail by contending that two innocent persons have been killed under the allegation of "*Karap*".

5. It is stated by Mst. Khairan that complainant now has died and she being mother of deceased Khan Muhammad has got no objection to release of the applicant on bail.

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

7. The FIR speaks of death of Khan Muhammad only. On investigation, police came to know that Khan Muhammad together with Mst. Hajran has been killed by applicant and others under the allegation of "*Karap*". Be that as it may, the complainant actually has not seen the applicant committing the murder of any of the deceased. The involvement of the applicant on the basis of his alleged extra judicial confession before the complainant party and police is appearing to be doubtful. Even otherwise, the applicant is said to be armed with a lathi at the time of incident, same on recovery has not been found to be stained with the blood. Beside above, widow, father and mother of both of the deceased by filing their affidavits before learned trial court have recorded no objection to grant of bail to the

applicant. In these circumstances, a case for grant of bail to the applicant on point of further inquiry is made out.

8. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.200,000/-and PR bond in the like amount to the satisfaction of learned trial Court.

9. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa,