

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Bail Application No.S-1232 of 2020

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

**13.01.2021**

Mr. Ghulam Asghar Mirbhar, advocate for applicant.  
Ms. Sobia Bhatti, A.P.G for the State.  
Mr. Abdul Shakoor Keerio, advocate for complainant.

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**Irshad Ali Shah, J:-** It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object caused injuries to complainant Shabir Ahmed Khanzado and PWs Abdul Rehman and Sattar with iron rods and lathies, thereby three fingers and three teeth of PW Abdul Rehman were broken, for that the present case was registered against them.

2. The applicant on having been refused post-arrest bail by learned 3<sup>rd</sup> Additional Sessions Judge, Shaheed Benazirabad has sought for the same from this Court by way of instant bail application u/s 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 grudge with him over possession of fish pond; the FIR has been lodged with delay of about 16 days and there is counter version of the incident. By contending

so, he sought for post-arrest bail for the applicant on point of further enquiry.

4. Learned counsel for the complainant has recorded no objection to grant of post-arrest bail to the applicant. However, learned A.P.G. for the State has recorded objection to grant of post arrest bail to the applicant by contending that he is named in FIR with specific role.

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

6. The FIR of the incident has been lodged with delay of about 16 days; such delay having not been explained plausibly could not be overlooked. There is counter version of the incident. Which party is aggressor and which party is aggressed upon, it requires determination at trial. The parties are disputed over fish pond. The case has finally been challenged. In these circumstances, case for grant of bail to the applicant on point of further inquiry obviously is made out.

7. In view of above, the applicant is admitted to bail subject to his furnishing solvent surety in the sum Rs.30,000/- and PR bond in the like amount, to the satisfaction of the learned trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa.