

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-39 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.

For hearing of main case.

26.01.2021.

Mr. Muhammad Hashim Laghari, Advocate for applicant.

Ms. Sobia Bhatti, A.P.G for the State.

Complainant Ali Gohar in person.

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ORDER

Irshad Ali Shah J:- It is alleged that the applicant along with rest of the culprits abducted Mehmood Ali with intention to commit his murder after keeping complainant Ali Gohar and his witnesses under fear of death and then committed the death of above said abductee, for that he was booked accordingly.

2. The applicant on having been refused post arrest bail by learned 1st Additional Sessions Judge/MCTC, 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 police and complainant by filing his affidavit has recorded no objection to grant of bail to the applicant and co-accused Junaid Iqbal has already been admitted to bail by this Court therefore, the applicant is entitled to his release on bail on point of consistency and further enquiry.

4. The complainant has recorded no objection to grant of bail to the applicant by contending that he has compounded the offence with him. However, learned A.P.G for the State has opposed to grant of bail to the applicant by contending that he has actively participated in commission of incident.

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

6. Section 364 PPC relating to abduction of the deceased with intention to commit his murder has been omitted by the police while submitting the final challan of the case. Admittedly, the complainant by filing his affidavit has recorded no objection to grant of bail to the applicant. Co-accused Junaid Iqbal with utmost similar role has already been admitted to bail by this Court. The FIR of the incident has been lodged with delay of about five hours, such delay could not be overlooked. None even otherwise, has seen the applicant committing the death of the deceased. In these circumstances, a case for grant of bail to the applicant on point of consistency and further enquiry obviously is made out.

7. 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.

8. The instant bail application is disposed of accordingly.

JUDGE