

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1045 of 2020
Criminal Bail Application No.S-1142 of 2020
Criminal Bail Application No.S-1152 of 2020
Criminal Bail Application No.S-1237 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

08.02.2021.

M/s. Sajjad Ahmed Chandio, Noor-ul-Haq Qureshi and Akash Ali Rind, Advocates for the applicants.

Mr. Abdul Sattar Sarki, advocate for complainant.

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

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ORDER

Irshad Ali Shah J:- It is alleged that the applicants with the rest of the culprits after having formed an unlawful assembly and in prosecution of their common object, not only committed murder of Ali Meer by causing him hatchet/lathies/iron rod injuries, but caused injuries to PW Aijaz with hatchet/lathies/iron rod with intention to commit his murder too, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned Sessions Judge, Tando Muhammad Khan have sought for the same from this court by making separate bail applications under section 497 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant in order to satisfy its political enmity with them; the FIR of the incident has been lodged with delay of about two days; the entry recorded in Roznamcha at the instance of the complainant does not contain the name of any of the applicant; no injury to the

deceased is attributed to any of the applicant and the complainant party has widen the net to involve the applicants falsely. By contending so, they prayed for release of the applicants on bail on point of further enquiry. In support of their contentions they have relied upon cases of *Syed Amanullah Shah vs The State and another (PLD 1996 Supreme Court 241)*, *Nooruddin and another vs The State (2005 MLD 1267)* and *Zulfiqar vs The State (2002 P.Cr.L.J 791)*.

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to release of the applicants on bail by contending that they have actively participated in commission of incident by causing hatchet/lathies/iron rod injuries to the deceased and injured.

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

6. The FIR of the incident has been lodged with delay of about two days; such delay could not be lost sight of. The role attributed to the applicants Anwar Ali, Meer Muhammad and Khalid in commission of incident is only to the extent that the incident took place at their instance. The role attributed to applicant Ali Raza in commission of incident is only to the extent that the culprits involved in the incident made their escape good while boarding in his vehicle. Applicants Abdul Rehman, Hyder Ali and Abdul Rasool beside general allegation of causing unspecific hatchets/lathies/iron rods injuries to the injured and the deceased have been attributed specific role of causing hatchet/lathies/iron rods injuries to injured PW Aijaz, on non vital part of his body, which appears to be significant. There is political rivalry between the parties. In that situation, the

involvement of the applicants in commission of incident obviously is calling for further enquiry.

7. In view of above, the applicants (except Ameer Hamzo, who has died) are admitted to bail subject to furnishing surety in sum of Rs.200,000/-each and PR bond in the like amount to the satisfaction of learned trial Court.

8. The instant bail applications are disposed of accordingly.

JUDGE

Ahmed/Pa,