

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**  
Criminal Bail Application No.S-1217 of 2020

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

01.03.2021.

Mr. Ashique Hussain D. Solangi, Advocate for applicant.  
Mr. Shahid Ahmed Shaikh, D.P.G for the State.  
Mr. Junaid Soomro, advocate for complainant.

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**ORDER**

**Irshad Ali Shah J:-** It is alleged that the applicant with the rest of the culprits after having formed an unlawful assembly and in prosecution of their common object committed murder of Nooral alias Nooro by causing him fire shot injuries and then went away by making aerial firing to create harassment, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Additional Sessions Judge, Sehwan has sought for the same from this Court by way of making instant 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 and role attributed to the applicant is only to the extent that he caused fire shot injury to the deceased on his right arm and there is matrimonial dispute between the parties; therefore, the involvement of the applicant on point of vicarious liability being

doubtful has made the case of the applicant to be of further inquiry.

By contending so, he sought for released of the applicant on bail.

4. Learned D.P.G for the State and learned counsel for the complainant have opposed to grant of bail to the applicant by contending that he has actively participated in commission of incident by causing fire shot injury to the deceased and the case of at the verge of its final disposal. In support of their contention they relied upon case of *Muhammad Faiz alias Bhoora vs The State (2015 SCMR 655)*.

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

6. The applicant is named in promptly lodged FIR of the incident with specific allegation that he caused fire shot injury to the deceased on his right arm and then went away by making aerial firing to create harassment. In that situation, it would be premature to say that applicant being innocent has been involved in this case falsely by the complainant party only to settle its dispute with him over matrimonial affair. The complainant party was hardly having a reason to involve the applicant in this case falsely. The case is at the verge of its final disposal; therefore, it would be unjustified to make discussion of the evidence brought on record by the prosecution. Tentatively, there appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged. No case for grant of bail to applicant is made out. Consequently, the instant bail application is dismissed with direction to learned trial Court to

expedite disposal of very case against the applicant, preferably within two months after receipt of copy of this order.

7. Needless to say that the observation recorded above, may not affect the case of either of the party at trial.

**JUDGE**

Ahmed/Pa