

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Bail Application No.S-465 of 2021.

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

1. For Orders on office objection.
2. For hearing of bail application.

O R D E R.
06-09-2021.

Mr. Shahid Ali.K Memon, advocate for the applicant.
Mr. Aftab Ahmed Shar, APG for the State.

AMJAD ALI SAHITO J., Through the instant Crl. Bail Application, the applicant/accused Abdul Hakeem Katohar seeks post-arrest bail in Crime No. 124/2021, offence u/s 302, 201, 120-B PPC registered at police station Shaheed Murtaza Mirani, District Khairpur. Prior to this, the applicant/accused has filed such application for grant of post-arrest bail, but the same was turned down by learned Ist Additional Sessions Judge/(MCTC), Khairpur vide order dated 19-06-2021, hence he has filed instant bail application.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for applicant submits that applicant is innocent and has falsely been implicated in this case by the complainant with mala fide intentions and ulterior motives due to enmity over matrimonial affairs; that there is inordinate delay of about two years lodging the FIR and such long delay has not been explained by the complainant; that it

is unseen incident as no one has seen the applicant/accused while committed the alleged offence; that after investigation the co-accused Khan Muhammad and Taj Muhammad have been let off; that case has been challaned and applicant/accused is no more required for further investigation; therefore, he pray for grant of bail.

4. On the other hand learned APG for the state has opposed the grant of bail on the ground that applicant/accused nominated in the FIR in a murder case.

5. I have heard learned counsel for applicant, learned APG for the State and have gone through the material available on record.

6. Admittedly, the incident is unseen and un-witnessed, as none of the complainant party has seen the applicant/accused while committing the murder of deceased. There is inordinate delay of about two years in lodging the FIR and such delay has not been explained by the complainant. Moreover, after completion of investigation, the investigating officer has let of co-accused Khan Muhammad and Taj Muhammad. The general allegations have been attributed by the complainant against all the accused persons and no specific role has been shown by the complainant against any of the accused and nothing incriminating article has been recovered from the possession of applicant/accused. Learned APG for the State ha admits that except the version of the complainant, no evidence has been brought on the record to

connect the applicant/accused with the commission of offence.

7. In view of above discussion, learned counsel for the applicant/accused has made out a good case for grant of bail in the light of sub section (2) of Section 497 Cr.P.C, hence the instant bail application is allowed and applicant/accused Abdul Hakeem Katohar is granted bail subject to his furnishing solvent surety in the sum of Rs. 50,000/- (Fifty thousand) and P.R bond in the like amount to the satisfaction of learned trial Court.

8. Needless to mention that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicants on merits.

J U D G E

Nasim/P.A