

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 646 of 2020

For hearing of bail application.

Mr. Rukhsar Ahmed Junejo Advocate for applicant.
Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

Date of Hearing: 11-01-2021
Date of Order: 11-01-2021

ORDER

Aftab Ahmed Gorar J. On the last date of hearing, complainant Mst. Mahri was in attendance and at her request, matter was adjourned for today, but today no one is in attendance on her behalf.

2. On dismissal of his Bail Application by learned Additional Sessions Judge-III (MCTC-II), Sukkur vide order dated 16.09.2020, applicant Deedar Ali Jatoi has approached this Court by filing instant Crl. Bail Application under Section 497 Cr.P.C, for post-arrest bail in case FIR No. 05 of 2020, registered at P.S, Bagerji, under Sections 302, 337H(ii), 114, 147, 148 & 149 PPC.

3. The allegation against the present applicant, as per FIR lodged by complainant Mst. Mahri at P.S, Bagerji on 16.04.2020 at 1500 hours, is that on 12.04.2020 at about 0900 hours, present applicant in association with co-accused being armed with weapon and as a member of unlawful assembly committed murder of deceased Ali Jan.

4. Heard learned counsel for the applicant as well as learned Deputy P.G for the State so also scanned the material available on record. Learned Deputy P.G for the State recorded no objection for the grant of bail to the applicant on the ground that there is inordinate delay of four days in lodgement of FIR; that no overt act has been attributed to the present applicant and mere his presence is shown at

the spot, but neither applicant is alleged to have caused any injury either to the deceased or the complainant party.

5. Admittedly, there is inordinate delay of 04-days in lodgement of FIR, for which no plausible explanation has been furnished by the complainant, as such false implication of the applicant after due deliberation and consultation cannot be ruled out. Moreover, no overt act has been attributed to the present applicant and mere his presence is shown at the spot, but the applicant is not alleged to have caused any injury either to the deceased or the complainant party. The role of causing murder of deceased is assigned to co-accused Muhammad Ali alias Otho, as such participation of the applicant in the commission of alleged offence is yet to be determined by learned trial Court after recording evidence.

6. For what has been discussed above, I am of the considered view that *prima facie* the case against the applicant calls for further enquiry, as contemplated under Sub-Section (2) of Section 497 Cr.P.C. Accordingly, instant Crl. Bail Application stands allowed and the applicant **Deedar Ali Jatoi is admitted to post-arrest bail** subject to his furnishing solvent surety in the sum of **Rs.300,000/-(Three Lac)** with P.R bond in the like amount to the satisfaction of learned trial Court.

7. Before parting, it needs not to make clarification that the observations recorded above are tentative in nature, therefore, the trial Court shall not be influenced in any manner whatsoever.

J U D G E

Ahmad