

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

Criminal Bail Application No.S-313 of 2021

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

30.07.2021

Miyan Taj Muhammad Keerio, Advocate for the applicant.

Mr. Shewak Rathore, Deputy Prosecutor General, Sindh.

Mr. Ali Hassan Chandio, Advocate for the complainant.

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IRSHAD ALI SHAH, J.- It is alleged that the applicant with rest of the culprits, in furtherance of their common intention committed murder of Shoukat Ali by causing him fire shot injuries, for that the present case was registered.

2. The applicant, on having been refused post-arrest bail by learned Additional Sessions Judge-I Umerkot, has sought for the same from this Court by making the instant bail applications u/s: 497 Cr.PC.

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 in order to satisfy its dispute with him over landed property; the F.I.R has been lodged with delay of about two days, yet it does not contain the name of the applicant, same has been disclosed subsequently by the complainant and his witnesses by way of further statements and role attributed to the applicant in

commission of incident even otherwise is only to the extent of conspiracy, therefore, his case is calling for further inquiry. In support of his contentions, he relied upon the cases of *Abid Mehmood and others Vs. The State through Khyber Pakhtunkhwan Prosecutor and others [2017 SCMR 728]* and *Aamir Vs. The State [2018 Y L R 243]*.

4. Learned Deputy Prosecutor General for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that he has hatched conspiracy leading to the death of the deceased.

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

6. The F.I.R of the incident has been lodged with delay of about two days; yet it does not contain name and description of the applicant, which appears to be significant. The name of the applicant has been disclosed subsequently by the complainant and his witnesses by way of further statements which have been recorded with considerable delay even to F.I.R. The further statements made by the complainant one after other could hardly be treated as a part of F.I.R. The role attributed to the applicant in commission of incident even otherwise as per further statement made by the complainant on 02.01.2021 is only to the extent of conspiracy. Whether the applicant actually hatched conspiracy leading to commission of the alleged incident? It requires determination at trial. In these circumstances, the

involvement of the applicant in commission of the incident obviously is calling for further inquiry.

7. In view of above, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.200,000/- and P.R bond in the like amount to the satisfaction of learned Trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno.