

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

Criminal Bail Application No.S-587 of 2021

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

**02.08.2021.**

Mr. Shabeer Hussain Memon, Advocate for the applicant.

Ms. Sana Memon, A.P.G for State.

Complainant present in person.

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**Irshad Ali Shah J.-** It is alleged that the applicant with rest of the culprits being police official committed death of Rashid Ali by maltreating him, 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 preferring instant application under section 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; the F.I.R has been lodged with delay of about one day and the complainant together with legal heirs of the deceased have filed affidavits recording no objection to grant of bail to the applicant by declaring him to be innocent, therefore, the applicant is entitled to his release on bail on point of further inquiry.

4. Learned Assistant Prosecutor General for the State, who is assisted by the complainant in person has recorded no objection to release of the applicant on bail.

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

6. None has actually seen the applicant maltreating the deceased. The F.I.R has been lodged with delay of about one day. The very case on investigation has been recommended by the police to be canceled under 'C' Class. The complainant together with the legal heirs of the deceased now by filing their affidavits, have recorded no objection to release of the applicant on bail by stating therein that he is innocent. In these circumstances, a case for release of the applicant on bail on point of further inquiry obviously is made out.

7. In case of *Muhammad Najeeb vs. State (2009 SCMR-448)*, it has been held by Honourable Supreme Court of Pakistan that;

*“complainant initially had nominated the accused in the FIR but later-on through an affidavit he has expressed his satisfaction with regard to innocence of the accused, the case of the accused was of further enquiry”.*

8. 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.

9. The instant bail application is disposed of accordingly.

JUDGE

*Muhammad Danish Steno.*