

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

Criminal Bail Application No.S-23 of 2021

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For orders on office objections.
2. For hearing of main case.

**06.08.2021**

Mr. Nazeer Hussain Jarwar, Advocate for the applicants.  
Mr. Fayaz Hussain Sabki, Assistant Prosecutor General Sindh.

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At the very outset, it is stated by learned counsel for the applicants that under instructions he does not press the instant bail application in respect of applicant Khamiso, same is therefore dismissed as not pressed in respect of applicant Khamiso.

So far case of applicant Asghar is concerned, it is alleged that he with rest of the culprits, after having formed an unlawful assembly and in prosecution of their common object, committed murder of Abdul Ghafoor by causing him hatchet and fire shot injuries and then went away by causing hatchet injuries to PW Mushtaq with intention to commit his murder, for that the present case was registered.

It is contended by learned counsel for applicant Asghar that he being innocent has been involved in this case falsely by the complainant party on account of previous enmity; the F.I.R of the incident has been lodged with delay of about eight hours and the role attributed to applicant Asghar in commission of incident is only to the extent of causing hatchet injuries to PW Mushtaque, such injuries on medical examination have been found to

be bailable in its nature, therefore, he is entitled to his release on bail on point of further inquiry. In support of his contentions, he relied upon the cases of *Mumtaz Hussain and 5 others Vs. The State [1996 SCMR 1125]* and *Khiyal Saba and another Vs. The State and others [2020 SCMR 340]*.

Learned A.P.G for the State has opposed to release of applicant Asghar on bail by contending that he has actively participated in commission of incident by causing hatchet injuries to PW Mushtaque with intention to commit his murder.

I have considered the above arguments and perused the record.

Apparently the role attributed to applicant Asghar in commission of incident is only to the extent of causing hatchet injuries to PW Mushtaque allegedly with intention to commit his murder, such injuries on medical examination have been found to be bailable in its nature. Whether bailable injuries to said PW were caused with intention to commit his murder? It requires determination at trial. The parties admittedly are disputed with each other since long. In these circumstances, the guilt of applicant Asghar obviously is calling for further inquiry.

In view of above, applicant Asghar 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.

The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno.