

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

Criminal Bail Application No.S-249 of 2022

| DATE | ORDER WITH SIGNATURE OF JUDGE |
|------|--|
| | <ol style="list-style-type: none">1. For orders on office objections.2. For hearing of main case. |

11.04.2022.

Mr. Safdar Ali Charan, Advocate for the applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.

==

IRSHAD ALI SHAH, J.- It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object by committing trespass into house of complainant Sadiqu committed murder of his son Abid Ali by causing him fire shots injuries and then went away by insulting the complainant, for that the present case was registered.

2. The applicant, on having been refused post-arrest bail by learned Additional Sessions Judge-I/MCTC Dadu, has sought for the same from this Court by way of instant application 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 in order to satisfy his matrimonial dispute with him; F.I.R has been lodged with delay of about one day and co-accused Ayaz has already been admitted to bail by this Court, therefore, the applicant is entitled to his release on bail on point of further inquiry and consistency.

4. None has appeared on behalf of the complainant to advance arguments on his behalf. However, learned A.P.G for the State has opposed to release of the applicant on bail by contending that he has actively participated in commission of incident by instigating others to commit the murder of the deceased.

5. Heard arguments and perused the record.

6. The role attributed to the applicant in commission of incident is only to the extent of instigation. Whether he actually participated in commission of incident, it requires determination at trial. Co-accused Ayaz has already been admitted to bail. The parties are already disputed over matrimonial affairs. The case has finally been challaned and there is no apprehension of tampering with the evidence on the part of the applicant. In these circumstances, a case for release of the applicant on bail on point of further inquiry obviously is made out.

7. In view of above, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- 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*