

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

Criminal Bail Application No.S-134 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.

25.04.2022

Mr. Sajjad Ali Gopang, Advocate for the applicant.
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.
Mr. Jehanzeb Ali, 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 Yaseen by administering him some poisonous substance, 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 complainant is not an eyewitness of the incident; F.I.R of the incident has been lodged with delay of about 35 days and co-accused Ghulam Nabi 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. Learned A.P.G for the State and counsel for the complainant have opposed to release of the applicant on bail by contending that his case is not calling for any inquiry.

5. Heard arguments and perused the record.

6. Apparently the F.I.R of the incident has been lodged with delay of about 35 days and such delay having not been explained plausibly could not be overlooked. None indeed has seen the applicant administering the poisonous substance to the deceased. The applicant has been involved in this case only for the reasons that the deceased was lastly seen in his company which appears to be a weak piece of evidence. Co-accused Ghulam Nabi with utmost similar role has already been admitted to bail by this Court. 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 and consistency obviously is made out.

7. In view of above, the applicant is admitted to post arrest bail subject to furnishing 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*