

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

Criminal Bail Application No.S-36 of 2022
Criminal Bail Application No.S-1173 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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23.05.2022

Mr. Ghulam Asghar Mirbahar, Advocate for applicants.
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh for State.
Mr. Shafi Muhammad Pirzada, Advocate for complainant.

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Irshad Ali Shah J:- It is alleged that the applicants with the rest of the culprits after having formed an unlawful assembly and in prosecution of their common object caused fire shot injuries to PWs Rashid Ali and Muhammad Rano with intention to commit their murder and then went away by causing lathi blows to Mehtab Ali and threatening complainant Ghulam Sarwar and his witnesses of murder, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned Additional Sessions Judge, Sehwan have sought for the same from this Court by making two separate applications u/s: 497 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy its previous grudge with them; the F.I.R of the incident has been lodged with delay of about one day and there is counter version of the incident, therefore, the applicants are entitled to be released on bail on point of further inquiry.

4. Learned Assistant Prosecutor General, Sindh for the State and learned counsel for the complainant have opposed to release of the

applicants on bail by contending that they have actively participated in commission of incident by causing fire shot injuries to PW Rashid Ali on his face and back with intention to commit his murder, who is still undergoing the treatment and the applicants have attempted to create counter version of the incident by lodging a false F.I.R only to get undue benefit.

5. Heard arguments and perused the record.

6. The applicants are named in FIR with allegation that they with rest of culprits being armed with deadly weapons and in prosecution of their common object went over to the complainant party and then caused fire shot injuries to PWs Rashid Ali and Muhammad Rano with intention to commit their murder and then went away by causing lathi blows to PW Mehtab Ali. The specific role of causing fire shot injuries to PW Rashid Ali on his face and back are attributed to the applicants, thereby he has sustained damage to his teeth and tongue. On arrest, from the applicants have been recovered the crime weapons, which they allegedly used, in commission of incident. In that situation, it would be premature to say that the applicants being innocent have been involved in this case falsely by the complainant party. The delay in lodgment of F.I.R by one day was natural in case like the present one and same is explained in F.I.R itself, such delay even otherwise could not be resolved by this Court at this stage. If there would have been a counter version of the incident then F.I.R of such incident would have been lodged by the applicants' side promptly or together with the F.I.R of the present case and not on 3rd day of the incident. In that situation, the

contentions of the learned A.P.G for the State and learned counsel for the complainant that the applicants have attempted to invent counter version of the incident to get undue benefit could not be lost sight of. There appear reasonable grounds to believe that the applicants are guilty of the offence with which they are charged.

7. In view of above, it could be concluded safely that no case for grant of bail to the applicants is made out, consequently, the instant bail applications are dismissed with directions to learned Trial Court to expedite disposal of very case preferably within three months after receipt of copy of this order.

JUDGE

*Muhammad Danish**