

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No. S -653 of 2022

For Hearing of bail application

26-12-2022.

Mr. Shabbir Ali Bozdar, advocate for applicant.

Mr. Shafi Muhammad Mahar, DPG for the State

>>>>...<<<<<

Irshad Ali Shah, J;- It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly in prosecution to their common object committed murder of Mureed by causing him fire shot injuries; thrown his dead body in a water canal to cause disappearance of evidence to save themselves from legal consequences and then went away by making aerial firing to create harassment, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned 1st Additional Sessions Judge Ghotki has sought for the same from this Court by way of instant Crl. Bail application u/s 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 by the complainant; he was enjoying the concession of bail at trial, which has been recalled by learned trial Court without lawful justification. By contending so, he sought for release of applicant on bail, on point of further inquiry.

4. None has come forward to advance arguments on behalf of the complainant. However, learned DPG for the State has recorded no objection to release of the applicant on bail.

5. Heard arguments and perused the record.

6. Admittedly the applicant was enjoying the concession of bail at trial, subsequently his case was kept in abeyance for want of evidence, it was reopened at the instance of complainant party and

then notice was issued against the applicant for his appearance, on account of non-service of such notice, the bail already granted to the applicant was cancelled without providing chance of hearing to him, under the deception that he has misused the concession of bail, which appears to be surprising. Be that as it may; no effective role in commission of incident is attributed to the applicant, therefore, his involvement in commission of incident on point of vicarious liability obviously is calling for further inquiry.

8. In view of above the applicant is admitted to bail subject to his furnishing surety in sum of Rs.200,000/- (Two lac) and P.R bond in the like amount to the satisfaction of learned trial Magistrate/Court.

9. The instant Crl. Bail Application is disposed of accordingly.

Judge

Nasim/P.A