

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No.S-1389 of 2022
[Haji Dodo @ Khamiso Khan versus The State]

DATE	ORDER WITH SIGNATURE OF JUDGE
Applicant :	Through Mr. Shahnawaz Brohi advocate
The State :	Through Ms. Sana Memon Assistant P.G Sindh
Complainant :	Through Mr. Sanaullah Jhatial advocate
Date of hearing:	27.01.2023
Date of decision:	27.01.2023

KAUSAR SULTANA HUSSAIN, J: Through captioned bail application, applicant seeks post-arrest bail in Crime No.23 of 2022 registered at P.S Phulji for offences punishable u/s 302, 324, 147, 148, 149, 114, 504, 337-H(ii), 337-F(ii) and 337-VI PPC. Same plea was raised by him before learned trial Court, however, it was turned down vide Order dated 29.11.2022.

2. The allegation against applicant/accused, per FIR is that on his instigation co-accused have committed Qatl-i-Amd of brother of complainant namely Shahzado and have also caused firearm injuries to niece of complainant namely Swera.

3. It is, inter alia, contended by learned Counsel for the applicant that the applicant is innocent and has been falsely implicated in this case by the police; that the prosecution story is false, fabricated, and highly unbelievable and that there is delay of about 24 hours in registration of FIR. By contending so, he prayed that applicant may be admitted to post arrest bail.

4. Learned Assistant Prosecutor General Sindh, duly assisted by Complainant's counsel, opposed the grant of bail to the applicant on the ground that applicant is nominated in FIR with specific role of instigation as such he is not entitled for concession of bail.

5. I have considered submissions of parties and perused the material available on record.

6. The enmity, due to matrimonial issues, between the parties is admitted and the applicant has been nominated in FIR with specific role of instigation. The learned counsel for the applicant has failed to produce any material, which may bring the case of applicant/accused within the ambit of further inquiry. Even otherwise at para-

12 of the order dated 29.11.2022 learned trial Court has directed the prosecution to conclude the evidence within three months and in case of failure applicant/accused has been left at liberty to repeat the bail application before the trial Court and the said period of three months has not been completed.

7. The person has lost his life in the incident and the applicant/accused is nominated in FIR with specific role, therefore, he is not entitled for concession of bail at this stage. As at bail stage only tentative assessment is to be made. Accordingly, instant bail application stands dismissed. However, learned trial Court is directed to conclude the trial within three month, as mentioned at para-12 of the Order dated 29.11.2022 and in case of failure applicant/accused may repeat bail plea before learned trial Court for its decision in accordance with law.

8. Needless to mention here that the observations made hereinabove are tentative in nature and the Trial Court shall not be influenced by this order in any manner whatsoever while deciding the case of applicants on merits.

JUDGE

Sajjad Ali Jessar