

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-194 of 2023

Applicant: Mst. Asma daughter of Qutubuddin, through Mr. Ayaz Ali Gopang Advocate.

Respondent: The State through Ms. Rameshan, Assistant Prosecutor General, Sindh.

Date of hearing: **20.03.2023**

Date of Order: **20.03.2023**

O R D E R

AMJAD ALI SAHITO, J:- Through the instant criminal bail application, the applicant above named seeks her post-arrest bail in Crime No.73 of 2022, under sections 302, 506(ii), 504 and 34 P.P.C, registered at P.S A-Section Nawabshah, after her bail plea was declined by the learned Vth Additional Sessions Judge / Model Criminal Trial Court, Shaheed Benazirabad, vide order dated 19.01.2023.

2. The details and particulars are already mentioned in the F.I.R. as well as memo of bail application, hence not need to reproduce the same hereunder.

3. Per learned counsel for the applicant that admittedly the parties are on strained relation over the issue of property left by deceased; that FIR has been lodged with a delay of about ten days but the complainant has failed to justify such delay; that as per FIR the role of causing injuries has been assigned to co-accused while the applicant has been shown to have caught hold the deceased from his arms. He further contended that after completion of investigation challan has been submitted in the Court of law, as such, the custody of applicant is no more required for further investigation. He lastly prayed for grant of bail. Learned counsel in support of his contentions has placed reliance upon the case of Abdul Qudoos and another Vs. The State [2023 P Cr. L J Note 15] and an unreported decision of this Court passed in the case of Aijaz Ali and another Vs. The State.

4. On the contrary, learned Assistant Prosecutor General, Sindh vehemently opposed the grant of bail.

5. I have heard learned counsel for the parties and gone through the material available on the record.

6. No doubt the name of the applicant/accused transpires in the F.I.R with the allegation that she caught hold the deceased from his arms while her brother co-accused Jahangir Qureshi caused iron pipe injuries as well as the unknown accused persons caused lathies injuries to deceased Ghulam Hussain in the commission of alleged offence. Question whether the accused

in such situation shared her common intention with co-accused who had caused death of the deceased needed further inquiry. Applicant/accused is in jail her further detention will not improve the prosecution case as challan of the case has already been submitted, hence she is no more required for further investigation. Learned counsel for the applicant/accused has made out a case for grant of post-arrest bail in view of sub-section (2) of section 497 Cr.P.C, resultantly the instant bail application is allowed and the applicant/accused Mst. Asma is admitted to bail subject to her 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.

7. Needless to mention here that the observations made hereinabove are tentative in nature would not influence the learned Trial Court while deciding the case of either party at trial.

*Muhammad Danish**

JUDGE