

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Bail Application No.S-411 of 2023
(*Dildar Samo Vs. The State*)

1. For Orders on office objection.
2. For hearing of Bail Application.

20-11-2023.

Mr. Azam Khan Memon advocate for the applicant.
Mr. Zulfiqar Ali Jatoi, Additional P.G for the State.

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Irshad Ali Shah, J;- It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object, committed murder of Naeem Ahmed by causing him fire shot injuries and then went away by insulting complainant Naveed Ahmed and others, for that the present case was registered.

2. The applicant on having been refused bail by learned Ist Additional Sessions Judge, Naushahro Feroze, has sought for the same from this Court by way of instant 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; the FIR has been lodged with delay of about 01 day and role attributed to the applicant in commission of incident is general in nature; therefore, he is entitled to be released on bail on point of further inquiry.

4. Learned APG for the State has opposed to release of the applicant on bail by contending that he has actively participated in

commission of incident by causing fire shot injuries to the deceased.

5. Heard arguments and perused the record.

6. The applicant is named in FIR with specific role that he being armed with a gun with rest of the culprits went over to the deceased and caused fire shot injuries to him, who died of such injuries. In that situation it would be pre-mature to say that the applicant being innocent has been involved in this case by the complainant party only to satisfy with him its previous grudge. The delay in lodgment of FIR by one day is well explained in FIR itself, same even otherwise could not be resolved by this Court in favour of the applicant at this stage. It was an act of indiscriminate firing; therefore, no concession could be extended to the applicant only for the reason that no specific injury to the deceased is attributed to him, who as per post mortem report sustained 07 fire shot injuries. As per progress report furnished by learned trial Court, the applicant has been found defeating the trial. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged and no case for release of his bail is made out.

7. Consequent upon the above discussion, the instant Crl. Bail Application is dismissed.

Judge

