

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Bail Application No. S -817 of 2023
(*Ali Bux Mashori Vs. The State*)

Hearing of bail application

1. For orders on office objection at flag 'A'
2. For orders on MA No.6937/2023 (Ex.A)
- 3 For hearing of bail application

26-02-2024.

Mr. Zulfiqar Ali Panhwar, Advocate for the Applicant
Mr. Ameenuddin Khaskheli, Advocate for L.Rs of the Deceased
Mr. Aftab Ahmed Shar, 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 besides causing fire shot injury to PW Hizbullah with intention to commit his murder, committed murder of Muhammad Sharif alias Mullo by causing him fire shot injuries and then taken away his dead body with them by making fires in air to create harassment and then thrown it in River in order to save themselves from legal consequences, for that the present case was registered.

2. The applicant on having been refused pre-arrest bail by learned Additional Sessions Judge, Moro has sought for the same from this Court by instant bail application u/s 498 CrPC.

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 party; the FIR of the incident has been lodged with delay of six days and there is counter version of the incident,

therefore, the applicant is entitled to be admitted to pre-arrest bail on point of further inquiry and mala fide, which is opposed by learned Addl. PG for the State and learned counsel for widow of the deceased by contending that the specific role of causing fire shot injury to the deceased on his chest is attributed to him.

4. Heard arguments and perused the record.

5. The applicant is named in FIR with specific allegation that he caused fire shot injury to the deceased on his chest. Whatever is stated in FIR take support from ancillary evidence. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party. He delay in lodgment of FIR could not be resolved by this Court at this stage. There is nothing in FIR of the present case which may suggest that there was counter version of the incident. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged and no case for grant of pre-arrest bail to him is made out.

6. In view of above, the instant bail application is dismissed.

Judge

ARBROHI