

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 40 of 2024

(*Gullan Jarwar Vs. The State*)

1. For Orders on office objection.
2. For Orders on MA No. 317/2024 (Ex./A)
3. For hearing of Bail Application

08-04-2024.

Mr. Shabbir Ali Bozdar advocate for the applicant.
Mr. Abdul Karim Lohrani, advocate for the complainant.
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

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1. Over ruled.
2. Granted subject to all just legal exceptions.
3. It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly in prosecution of its common object committed murder of Zakir Hussain by causing him fire shot injury and then went away by making aerial firing to create harassment, for that the present case was registered.
4. The applicant on having been refused post-arrest bail by learned IIIrd Additional Sessions Judge, Naushahro Feroze; has sought for the same from this Court by making instant Crl. Bail Application under section 497 Cr.P.C.
5. 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 in order to satisfy its enmity with him over theft of cattle; the applicant is old and infirm person and there is no recovery of any sort from him; therefore, he is entitled to be released on bail on point of further inquiry.

6. Learned Additional P.G for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that he is nominated in the FIR with specific role of causing fire shot injury to the deceased on his abdomen, he is not an old or an infirm person; the recovery of weapon from him he has been defeated and now is defeating the trial for one or other reason.

7. Heard arguments and perused the record.

8. The applicant is named in the promptly lodged FIR with specific allegation that he caused fire shot injury to the deceased on his abdomen when he was caught hold by rest of the culprits. Whatever is stated by the complainant in his FIR takes support from ancillary evidence. In that situation it would be premature to say that the applicant being innocent has been involved in the instant case falsely by the complainant party in order to satisfy its enmity with him over theft of cattle. Of course there is no recovery of any sort from the applicant but for this reason he could not be released on bail particularly when it is alleged that such recovery he has defeated. The applicant may be old but not is an infirm person as is certified by Medical Board. The age itself which even otherwise is disputed by the other side, may not be a reason to release the applicant on bail in case like the present one which entails the death penalty when he is alleged to have been defeating the trial. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged. No case for his release of the applicant on bail is made out; consequently, the instant CrI. Bail Application is dismissed.

Judge