

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD

Criminal Bail Application No.S-223 of 2013

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For hearing

**17.11.2017.**

Applicant present in person.  
Syed Meeral Shah A.P.G. for the State.

Applicant, who is accused in Crime No.39 of 2012 of P.S Pabjo under section 302, 449, 34 PPC, is seeking pre-arrest bail.

This pre-arrest bail application is pending since 2013, and the applicant is on ad-interim pre-arrest bail since 22.03.2013. While going through the case diaries, it was observed in the order dated 27.10.2017 that after grant of interim bail mostly either the applicant or his Counsel have remained absent. Therefore, by granting a last and final chance to the applicant, this matter was adjourned to 03.11.2017 with the observation that if the Counsel for the applicant remained absent the matter would be decided after hearing the applicant and learned Additional Prosecutor General Sindh. However, when this matter was taken up on 03.11.2017 the applicant was present but his Counsel was absent, but due to strike called by the Sindh Bar Council, (which fact is incorporated in many other files fixed on that day), this case was adjourned to 10.11.2017. On that date Counsel for the applicant Mr. Ayaz Ali Gopang appeared and requested for time, which was granted to him as an indulgence as a last and final chance. Today, the applicant is present, however, his Counsel is called absent.

The applicant and learned Additional Prosecutor General Sindh have been heard.

The applicant is nominated in the F.I.R with specific role of firing on deceased Ghulam Sugra, the sister of the complainant, from his gun and co-accused Ali Bux firing from his gun at the brother in law of the complainant Bux Ali, who both as a result thereof sustained fire shot injuries and died at the spot. This is a pre-arrest bail

application and the applicant has not been able to show any mala fide on the part of the complainant to falsely implicate him. Learned Additional Prosecutor General Sindh has opposed grant of bail to the applicant and has stated that the applicant is specifically nominated to have murdered the sister of the complainant. In view of such facts and circumstances, I am of the view that the applicant is not entitled to extra ordinary relief of pre-arrest bail. Consequently, this bail application is dismissed.

At this juncture, learned Additional Prosecutor General Sindh has stated that the applicant is shown absconder in the challan, therefore, his custody is required and has requested that he may be taken into custody and sent to the District Jail Shaheed Benazirabad for production before the IInd Additional Sessions Judge, Shaheed Benazirabad, the trial court. Accordingly, the applicant is taken into custody and remanded to the District Jail Shaheed Benazirabad to be produced before the IInd Additional Sessions Judge, Shaheed Benazirabad for the purpose of trial on the date of hearing.

JUDGE