

**HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Cr. Bail Application No.S-408 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection(s).
	2. For hearing of main case.

24.06.2025.

Mr. Zubair Junejo, Advocate for applicant/accused.

Mr. Irfan Ali Talpur, Deputy Prosecutor General for the State.

O R D E R

Amjad Ali Sahito, J:- Through the instant Bail Application, applicant/accused namely Nasarullah alias Lakho s/o Anwar Ali Chandio is seeking pre-arrest bail in crime No.99/2025 registered at Police Station Badin, for the offences under Section 147, 148, 149, 337A(i), 337F(i) 504-PPC. Earlier his pre-arrest bail plea was declined by the learned Additional Sessions Judge-II, Badin vide order dated 26.03.2025 and his interim relief was recalled.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. The learned Counsel for the applicant/accused argued that the applicant/accused is innocent and he has falsely been implicated in this case. He has further contended that there are general allegations against the applicant/accused otherwise in the FIR the injury was mentioned as 337A(i), however, after managing the medical certificate obtained the certificate for offence U/s 337A(ii) PPC. He submits that case has been challaned and applicant/accused is no more required for further investigation. He lastly prayed for confirmation of bail earlier granted to applicant/accused.

4. Conversely, the learned Prosecutor General strongly opposed for confirmation of bail and contended that the applicant/accused is specifically nominated in the FIR and not entitled for concession of bail, therefore, his bail application may be dismissed and interim order earlier granted to him may also be recalled.

5. Arguments heard. Record perused.

6. From the face of FIR, it appears that there is dispute between the parties over landed property and 5/6 accused persons alongwith present applicant/accused have been involved. The role assigned against the present applicant/accused is that he caused lathi blow to one Shahid Chandio on his head, however, he has not repeated the same. The allegations leveled by the prosecution witnesses are yet to be established by the prosecution and are to be determined by the trial Court after recording evidence of the parties. So far the learned counsel for the applicant/accused contention that the offence does not fall within the prohibitory clause of Section 497, Cr.P.C, grant of bail is a rule and refusal is an exception. It is correct that the alleged offence does not fall within prohibitory clause of Section 497 Cr.P.C. Furthermore, the challan has been submitted and applicant/accused is no more required for further investigation. Applicant has pleaded malafide on the part of the complainant that due to enmity they have been involved in this case.

7. In view of above, the learned counsel for the applicant has made out a case for further enquiry in terms of subsection (2) of Section 497, Cr.P.C. Consequently, instant bail application is allowed. The interim pre-arrest bail granted to the applicant/accused by this Court vide order dated 17.04.2025 is hereby **confirmed** on the same terms and condition. The applicant/accused is directed to attend the Trial Court regularly. If the applicant/accused fails to appear before it, the Trial Court would be at liberty to take action against him in accordance with law.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE