

(17)

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
1st, Crl. Bail Appln. No.8-135 of 2019.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection 'A'.
2. For Hearing of bail application.

22.03.2019.

Mr. Makhdoom Syed Tahir Abbas Shah, advocate for the applicant along with applicant (on bail).

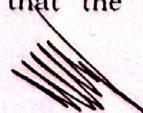
Mr. Sharafuddin Kanher, A.P.G.

Muhammad Saleem Jessar, J- Through instant Crl. Bail Application, under section 498, 498-A, Cr.P.C, applicant Sohbat Ali son of Ghulam Muhammad, seeks his admission on pre arrest bail in Crime No.40 of 2018 registered at Police Station Mubarakpur for offence under sections 337-F(v), 504, 148, 149, PPC.

2. Pre arrest application bearing Crl. Bail Appln. No.851/2018 was preferred by the applicant along with three others before the Court of Additional Sessions Judge-II, Jacobabad, who by means of order dated 26.11.2018 declined the bail application

3. It is alleged in the FIR that on 12.11.2018 at about 08-30 a.m near the house of Muhammad Ibrahim Kato, the accused Sohbat, Muhammad Bux, Himath Ali, Ali Gohar and rest of co-accused persons Jan Muhammad and Muhammad Khan being armed with deadly weapons, in prosecution of common object attempted to commit murder of complainant Muhammad Mithal by causing hatchet and lathis injuries to him and FIR to that extent was lodged.

4. Learned counsel for the applicant submits that the applicant has been wrongly arrayed in the case and the offence with which he stands charged carries maximum punishment up to seven years thus does not exceed the limit of prohibition as contained under section 497(1), Cr.P.C. Therefore, he submits that the ad-interim already granted to applicant may be confirmed.



5. Learned A.P.G opposes the bail application, however, he submits that the punishment provided by law for section applied in the FIR against the applicant does not exceed the limit of prohibition as contained under section 497, (1) Cr.P.C.

6. I have heard learned counsel for the applicant as well as learned A.P.G for the State and have gone through the material made available before me on record.

7. The complainant despite of notice has chosen to remain absent. It is an admitted position that the co-accused have already been granted bail. As far as implication of present applicant is concerned, the offence with which he stands charged carries maximum punishment up to seven years; however, subject to establishing the case by the prosecution at the time of trial. In the circumstances and in view of dictum laid down by the Hon'ble Supreme Court of Pakistan in case of Khalil Ahmed Soomro v. The State (**PLD 2017 Supreme Court 730**), instant bail application is allowed. The interim pre arrest bail already granted to the applicant vide order dated 04.03.2019 is confirmed on the same terms and conditions.


Judge