

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS.**

Criminal Bail Application No.S-233 of 2025

Applicant: Gulab s/o Chaglo. (Present on bail).
Through Mr. Bhoro Bheel, Advocate.

Respondent: The State through Mr. Neel Parkash,
Deputy Prosecutor General, Sindh.

Complainant: Sht. Nirmala (present in person)
Through Mr. Hassan Mal Bheel, Advocate.

Date of hearing: **01.10.2025**

Date of Order: **01.10.2025**

O R D E R.

AMJAD ALI SAHITO, J:- Through this bail application, the applicant/accused named above seeks his pre-arrest bail in Crime No.45 of 2025, under sections 506(ii), 452, 354, 403, 337-A(i), 337-F(i), 509 P.P.C, registered at P.S Women Umerkot, after his bail plea was declined by the learned Additional Sessions Judge-I, Umerkot.

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

3. Learned counsel for the applicant/accused has contended that the applicant is innocent and has been falsely implicated in the instant case with mala fide intent. It is submitted that the FIR was lodged after an unexplained and inordinate delay of five hours, which casts serious doubt on the veracity of the allegations. Learned counsel further submits that all the sections mentioned in the FIR are bailable except sections 506(ii) and 452 PPC, but same do not fall within the prohibitory clause of section 497(1) Cr.P.C. It is further submitted that the applicant/accused is entitled to the

concession of pre-arrest bail.

4. On the other hand, learned counsel for the complainant and learned Deputy Prosecutor General have vehemently opposed for confirmation of pre-arrest bail and prayed for its dismissal.

5. Heard and perused.

6. The complainant present in court states that she is residing in her house where on petty matter the applicant/accused along with co-accused entered into her house and miserably tortured to her, resultantly her clothes were torn. The statement of the PWs recorded by the I.O, wherein they fully corroborated the version of the complainant. Furthermore, no ill-will or malafide is alleged against the complainant party by the applicant even otherwise he has shown in F.I.R with specific role. In this regard, I am fortified with the case law of Hon'ble Supreme Court of Pakis [2019 S CMR 1129] wherein the Hon'ble Supreme Court of Pakistan has held as under:

"Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation..... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law."

7. At bail stage, only tentative assessment is to be made. Sufficient material is available on the record to connect the applicant with the commission of alleged offence.

8. The learned counsel for the applicant has failed to establish the case to the extent of the applicant/accused warranting the confirmation of interim pre-arrest bail. Accordingly, the interim bail already granted to the applicant/accused is hereby **dismissed**. The interim bail granted to the applicant/accused vide order dated **10.09.2025** is hereby **recalled**.

9. 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 applicants on merits.

JUDGE

Adnan Ashraf Nizamani