

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Bail Application No.S-466 of 2024

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on O/objection at flag-A.
- 2. For hearing of bail application.

Date of hearing **19.09.2024.**

Mr. Muhammad Hanif Lashari, Advocate for applicant/accused.

Mr. Khalil Ahmed Maitlo, D.P.G for State.
Complainant Ghulam Hussain present, in person.

ORDER

This is bail application under Section 498-A Cr.P.C, requiring the bail for the applicant Ghulam Abbas Shar having denied the same by way of order dated 08.09.2023 by the concerned Additional Sessions Judge (MCTC), Mirwah by way of Crl. Bail Application No.2239/2023.

According to the FIR the complainant’s daughter is said to have been strangled by her husband Mukhtiar Hussain and his brother and two unknown persons being the gist of the FIR relevant in the matter.

Learned counsel for the applicant has contended had co-accused have been granted bail. He further contended that applicant is not named in the FIR. It is also contended that impleading of the present applicant is by way of further statement and as such the concession of bail to be provided to him. Learned counsel had first contended that there was no dispute between the parties, whereafter he was called upon to the making-up his case considerable under Section 498 Cr.P.C, He contended that on account of malafide reasons the present applicant has been impleaded. However in this regard no support has been shown.

Learned Deputy Prosecutor General states that the element of difference between under Section 497 and 498 Cr.P.C though is available however, as the bail application for co-accused have been granted the applicant can also be entertained and not such room is available for him to oppose the same.

Complainant present in the matter was also heard who contended that he has no enmity with the present applicant, however, his daughter's life has wrongly been taken-up.

I had inquired with the learned Deputy Prosecutor General as to the cause of death which is said to have been hanging however. A deeper appreciation was not found inviting as it is for the learned trial Court to consider whether the same was hanging or strangulation being is in better position to consider the same. It is prefer not to make any comments in this respect as the same may prejudice the case of parties. This Court is only requires a tentative assessment in accordance with law the relevant law being that pre-arrest bail application is available only where the element of malafides is shown from merits. In the present case, irrespective to the co-accused entertained for grant of bail as the present same application is devoid of any malafide being shown and brought-up to the extent that a Judicial mind may consider the same accordingly the interim order dated 09.07.2024 is hereby recalled and bail application stands dismissed.

Needless to mention here that observations made herein above are tentative in nature and trial Court may not be influenced of the same and decide the case on its merits.

Bail application stands disposed of in the above terms.

J U D G E

Ihsan/PS