

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

Criminal Bail Application No.S-11 of 2017

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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11.05.2017.

Mr. Shoukat Ali Pathan, Advocate for applicant.
Mr. Irum Ahmed DDPP for the State.

It appears from the record that applicant/accused was granted interim pre-arrest bail by this Court vide order dated 04.01.2017. Today this bail application is fixed for confirmation or otherwise.

Brief story of the prosecution case is that complainant Dr. Musrat lodged F.I.R. of this Case on 05.12.2016 at 0200 hours alleging therein that on 04.12.2016 at 2230 hours complainant alongwith her sons Shahnawaz and Kamran were present in their bungalow situated at LUMHS Colony Jamshoro when present applicant/accused alongwith other co-accused named in F.I.R. armed with weapons forcibly entered in to her house/bungalow, gave beating to her sons and on the instigation of co-accused Habibullah Lashari, present applicant/accused caused pistol butt blow at the nose of P.W Shahnawaz. Thereafter, applicant/accused alongwith other accused ran away from the place of occurrence.

It appears from the record that accused have been challaned in Crime No. 287/2016 of P.S Jamshoro under Sections 147, 148, 149, 451, 506(2), 504, 337-A(i), 337-L(ii), PPC where they are facing trial.

It is stated by the learned Counsel for the applicant that all the offences mentioned in the F.I.R. are punishable upto 07 years and do not fall within the prohibitory clause of section 497 Cr.P.C; that co-accused namely, Habibullah, Manosoor, Saifullah, Khairullah and Saadullah have already been admitted to bail by the learned 1st Additional Sessions Judge, Kotri. Learned Counsel submitted that the applicant has been falsely implicated by the complainant party due to enmity with malafide intention. Lastly, he prays for confirmation of interim pre-arrest bail.

Learned DDPP has not opposed this bail application.

It is an admitted fact that co-accused Habibullah Lashari, Mansoor Lashari, Saifullah, Khairullah and Saadullah have already been granted post arrest bail by the Trial Court almost on same allegations, therefore, following the rule of consistency this applicant is also entitled for same relief. Even otherwise the challan has been submitted and the offences under which present applicant has been booked either bailable or their punishment do not fall within the prohibitory clause of section 497 Cr.P.C, therefore, in my view this applicant/accused under the aforementioned facts and circumstances is also entitled for same relief of bail. It is pointed out that charge in the case has already been framed by the Trial Court where applicant/accused is facing the trial. It also appears from the record that since grant of bail by this court the applicant/accused has never jumped the bail bond.

Under these circumstances, the applicant/accused has made out the case for confirmation of bail and in view of no objection extended by the learned DDPP the same is confirmed on the same terms and conditions with direction to the applicant/accused to appear before the Trial Court to face the trial.

This Criminal Bail Application stands disposed of in the above terms.

JUDGE