

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

Cr. Bail application No.S- 834 of 2017

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For hearing

02.02.2018.

Syed Madad Ali Shah Advocate for applicants a/w applicants.

Syed Meeral Shah Bukhari A.P.G

None present on behalf of complainant

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Applicants/accused are present on interim pre-arrest bail granted to them by this court vide order dated 06.10.2017. Today this bail application is fixed for confirmation or otherwise.

The facts of the case as appeared from the FIR LODGED ON 21.09.2017 AT 2300 hours on behalf of the state at police Station Chhachro by complainant Allah Bukhsh Rahimoon, Supervisor are that on direction of TEO Chhachro, he visited GPS Saleh Nohri and GGPS Phulrabeh alongwith PSTs Jhandai and Jan Muhammad and he found both the above named applicants present at GPS Saleh Nohri having occupied the said school building by residing therein illegally and refused to vacate it.

It is stated by learned counsel for applicants/accused that applicants/accused have been falsely implicated in this case duty enmity and besides according to him the case has been challaned and applicants/accused are appearing before the trial court regularly. He further submits that the punishment of the offence are also do not fall within the prohibitory clause of section 497(1) Cr.P.C and according to him the factum of FIR is yet to be determined at the time of trial till then the case of applicants/accused requires further probe.

Learned APG has half heartedly opposed this bail application.

It is admitted fact that case has been challaned and applicants/accused are facing trial before the trial court. The allegations levelled in the FIR are yet to be determined at the time of trial. The offence with which applicants/accused have been charged, either bailable or their punishment do not fall within the prohibitory clause of section 497 Cr.P.C and in such like cases, grant of bail is a rule and refusal is an exception and no exceptional ground appears in this case to withhold the bail of applicants/accused, therefore, interim pre-arrest bail earlier granted to applicants/accused stands confirmed on same terms and conditions with direction to the applicants/accused to appear before the trial court to face their trial.

Needless to mention here that if any observation is made in this order, shall not affect the merits of the case

JUDGE

A.Rasheed