

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

Cr. Bail Application No.S-703 of 2017.

DATE	ORDER WITH SIGNATURE OF JUDGE
05.10.2017.	For hearing. <div style="text-align: center;"> Mr. Bhagwandas Bheel, Advocate alongwith applicants. Mr. Shahid Ahmed Shaikh, D.P.G for the State a/w ASI Muhammad Arif of P.S. Kotri. === </div> <p><u>ABDUL MAALIK GADDI,J-</u> Applicants/accused are on interim pre-arrest bail granted to them by this Court vide order dated 24.8.2017. Today this bail application is fixed for confirmation or otherwise.</p> <p>2. Facts of the case need not to be reiterated here, as the same have already been narrated in the memo of bail application.</p> <p>3. After having heard the arguments of learned counsel for the parties, it appears that present applicants/accused have been arrested on the basis of statements of co-accused Mst. Zaitoon and Rafique, from whom, 2562 grams of charas was recovered in presence of mashirs. Co-accused Mst. Zaitoon has already been granted bail after arrest by the trial Court and the case of present applicants/accused appears to be on better footing then the case of co-accused, who have already been enlarged on bail by learned trial Court. It is an admitted position that case has been challaned and the applicants are no more required for further investigation. The case of prosecution rests upon the evidence of police officials, therefore, there is no question does arise for tampering their evidence at the hands of the applicants.</p> <p>4. Since the whole case of the prosecution based on the evidence of police official, therefore, their evidence is required to be minutely scrutinized at the time of trial whether the offence as alleged in F.I.R. by the complainant, allegedly committed by the applicants in a fashion as narrated in the F.I.R. or otherwise. It is stated by the learned counsel for applicants</p>

that nothing was recovered from their possession. This fact has been conceded by learned D.P.G. that applicants/accused are appearing before this Court as well as trial Court without any substantial progress. I, accordingly in view of above come to the conclusion that applicants have made out a case for confirmation of bail and confirm the interim pre-arrest bail already granted to the applicants vide order dated 24.08.2016 on the same terms and conditions with direction to the applicants to appear before the trial Court and face the trial.

5. Needless to mention here that observations made herein above, if any, are tentative in nature and shall not affect the merits of the case.

The bail application stands disposed of in the above terms.

JUDGE.