

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD.  
Cr.Bail Appln:No.S- 708 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing.

**09-10-2017**

Applicants are present on bail.

Mr. Shamsuddin Khushik, advocate for applicants.

Mr. Shahzad Saleem Nahiyoona D.P.G

None present for complainant.

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**ABDUL MAALIK GADDI,J**- Applicants/accused are present on interim bail granted to them by this Court vide order dated 28.8.2017. Today this bail application is fixed for confirmation or otherwise.

2. The facts of the prosecution case as per FIR lodged by complainant Suhail Ahmed, Assistant Commissioner Taluka Samaro on 30.5.2017, alleging therein that on 29.5.2017, he alongwith his subordinate staff left office from Samaro to check prices list in Samaro town. It is further alleged in the FIR that during checking they reached at the Kiryana shop of Khalid Qaimkhani, where price list was not affixed and complainant enquired about list form the accused Khalid, who disclosed that price list is not available, to which complainant imposed penalty of Rs.1000/-to which Khalid Qaimkhani and his son Rab Nawaz used filthy language and insulted him and pushed him out from the shop and also issued threats, it is further alleged that complainant informed to his higher officers and after consultation appeared at P.S and lodged FIR.

3. It is stated by the learned counsel for applicants that the dispute has been resolved in between applicants/accused and complainant outside the court at the intervention of notables of the locality, therefore he prays for confirmation of interim pre-arrest bail. He secondly argued that offence does not fall within prohibitory

clause of section 497 (i) Cr.P.C. He further argued that section 506/2 PPC is not attracted as there is no hurt on the body of the complainant.

4. Learned D.P.G in view of the facts and circumstances has not opposed the confirmation of bail in favour of the applicants.

5. Arguments heard and record perused.

6. At the very outset perusal of record shows that the complainant Suhail Ahmed against whom the present applicants/accused have issued threats and filthy language has sworn affidavit before the trial court that the matter has been resolved between the parties due to intervention of notable persons of the locality, therefore, only on this aspect the whole episode as narrated by the complainant in his FIR requires further inquiry. Further, during course of arguments I have specifically asked the question from learned DPG whether offence under which present applicants are involved comes within the ambit of prohibitory clause of section 497 Cr.P.C, he replied that the offence under which applicants are booked does not fall within the prohibitory clause of section 497 Cr.P.C, hence, under the above circumstances in such like cases the grant of bail is a rule and refusal is an exception. Notwithstanding, in this matter the investigation has been completed and challan against applicants has already been submitted, hence, the applicants are no more required for further investigation, therefore, under these circumstances no exceptional circumstance appears in this case to withhold bail of the applicants. However, it is stated by counsel for the applicants that the applicants are appearing before the trial court without any substantial progress in the matter

7. In view of the above, the applicants have made out the case for confirmation of bail, therefore the instant bail application is allowed and confirmed the interim pre-arrest bail in favour of applicants passed earlier on same terms and conditions with directions to the applicants/accused to appear before the trial court to face trial. Since, in this matter a short point is involved, therefore trial court is directed to proceed this matter expeditiously and decide the same preferably within three months after receipt of this order. Compliance report be submitted to this Court through Additional Registrar of this Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and shall not affect the merits of the case.

**JUDGE**

Ahmed/Pa