

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

Cr. Bail Appln. No.S- 120 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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Date of hearing: 21.03.2019.
Date of order: 21.03.2019.

Applicant is present on interim pre-arrest bail.
Mr. Shahid Ahmed Shaikh, Deputy Prosecutor General

SHAMSUDDIN ABBASI, J:- Applicant seeks pre-arrest bail in Crime No.01/2019 registered at Police Station Shahpur District Matiari for offences punishable under Section 147, 148, 149, 506/2, 504, 447 PPC after rejection of his bail plea by the learned trial Court vide order dated 14.01.2019.

2. It is alleged in the FIR that the complainant is Zamindar. On the day of incident he was dispossessed by the applicant alongwith other co-accused from his land who also issued threats of dire consequences. Thereafter, the complainant lodged the FIR.

3. Applicant present in person states that he is Peon in PPHI Department and at the time of incident he was on duty and he had produced the duty certificate before learned trial Court but the same was not considered. He further submits that he is not involved in this case and has been falsely implicated in this case due to malafide intentions and ulterior motives. He further submits that after rejection of his bail, police is behind him to arrest him and if he is arrested, he will be mentally and physically tortured. He has prayed for confirmation of his bail.

4. On the other hand, learned D.P.G half heartedly opposed the grant of bail on the ground that Section 506/2 PPC is non-bailable.

5. Heard the applicant in person, learned D.P.G and perused the material available on record.

6. From the perusal of record, it transpires that the all the Sections applied in the FIR are bailable except Section 506/2 PPC. Admittedly, there is a landed dispute between the parties and complainant of this case had also filed Complaint under Illegal Dispossession Act which is pending adjudication before the concerned Court. There is delay of five days in lodging the FIR and no plausible explanation has been furnished by complainant for such an inordinate delay. It appears from the record that all co-accused of this case who were granted bail. In view of the background of the landed dispute in between the parties it cannot be ruled out that present applicant has been falsely implicated in this case. In my humble view allegations for issuance of threats of dire consequences require consideration for grant of bail particularly in background of his plea of alibia. Case has been challaned and the applicant is regularly attending the trial Court. Apprehension of tampering with the evidence does not arise.

7. In view of the above, I am of the considered view that the applicant has succeeded in making out a case for grant of pre-arrest bail in terms of Section 497(2) Cr.P.C. Accordingly, I allow this bail application and the interim pre-arrest bail already granted to the applicant vide order dated 01.02.2019 is hereby confirmed on same terms and conditions.

JUDGE

Tufail/PA