

indicates that after investigation, the applicant was found innocent.

- d) During investigation, it was noticed by the Investigator that the applicant was available at the alleged time of incident in Aga Khan Hospital with his wife.
- e) The offence alleged, does not fall within the prohibitory clause of Section 497 CrPC and in such cases rule is bail not to jail.
- f) The nominated co-accused, in the instant matter, has been released on bail as such the pre-arrest bail plea of the applicant could not be denied in the light of dictum laid down by the Apex Court in a case reported as Muhammad Ramzan v. Zafarullah 1986 SCMR 1380.

4. In view of the above observation, I am of considered opinion that a case of pre-arrest bail has been successfully made out, hence the interim bail order passed in favour of the applicant is confirmed on the same terms and conditions.

5. Before parting, I would like to make it clear that if the applicant after confirmation of pre-arrest bail will not appear before the trial Court and the trial Court is satisfied that the applicant becomes absconder and fugitive to law and trial, then the trial Court is fully justified and competent to take every action against the applicant and his surety including cancellation of bail without making a reference to this Court.

6. These are the reasons for my short order dated 18-07-2019 and I would like to make it clear that, the above observations are purely tentative in nature, and the same are only for the purpose of disposal of instant pre-arrest bail application and would have no impact or effect on either party's case during trial.

J U D G E

Dated: _____