

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-135 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case.

19.08.2019.

Mr. Muhammad Iqbal Qassar, advocate along with applicants.

Ms. Safa Hisbani, A.P.G.

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Irshad Ali Shah J;- It is alleged that the applicants with rest of the culprits in furtherance of their common intention committed death of Jan Muhammad and then caused disappearance of his dead body in order to save them from the legal consequences for that they have been booked in the present case.

2. The applicants on having been refused pre arrest bail by the learned Ist Additional Sessions Judge, Badin have sought for the same from this court by way of instant application under Section 498 Cr.P.C.

3. It is contended by the learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party; the FIR has been lodged with delay of about four months and co-accused Bilawal has already been let off by the police finding him to be innocent. By contending so, he sought for pre-arrest bail for the applicants on point of further enquiry and malafide. In

support of his contention he has relied upon case of ***Muhammad Ahmar & others vs the State (SBLR 2017 Sindh 1088)***.

4. Learned A.P.G for the State has opposed to grant of pre-arrest bail to the applicants by contending that they have actively participated in commission of incident.

5. I have considered the above arguments and perused the record.

6. The FIR of the incident has been lodged with delay of about four months, such delay could not be lost sight of, indeed it is reflecting consultation and deliberation. As per FIR in first instance report was lodged by complainant Abdul Salam with regard to death of deceased Jan Muhammad as accidental one, it apparently was u/s 174 Cr.P.C. Even otherwise, complainant Abdul Salam is not an eye-witness to the actual death of the deceased. In these circumstances, the applicants are found entitled to grant of pre-arrest of bail on point of further enquiry and malafide.

7. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

8. The instant application is disposed of accordingly.

JUDGE