

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Cr.B.A.No.S-507 of 2019

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

**23.08.2019.**

Mr. Rao Faisal Ali, advocate along with applicants.  
Ms. Safa Hisbani, A.P.G.  
Complainant present in person  
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**Irshad Ali Shah J;-** It is alleged that the applicants with the rest of the culprits after having formed an unlawful assembly with prosecution of their common object by committing trespass into house of complainant Gul Hassan, caused lathi and hatchet blows with its blunt side to his wife Mst. Pholan, for that the present case was registered against them.

2. The applicants on having been refused pre arrest bail by the learned IInd Additional Sessions Judge, Umerkot have sought for the same from this court by way of instant application U/S 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 in order to satisfy his enmity with them over possession of plot; the FIR has been lodged with the delay of more than one month and offence is not falling with prohibitory clause of section 497 (2) Cr.P.C. 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 relied upon cases of *Khalil Ahmed Soomro and others vs the State (PLD 2017 S.C. 730)*.

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

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

6. The FIR has been lodged with the delay of more than one month, such delay could not be lost sight of as it is not explained plausibly. All the penal sections applied in the FIR are bailable excepting one under Section 337-F(vi) PPC, it is not falling within prohibitory clause of section 497 (2) Cr.P.C. The parties being closely related are disputed over possession of plot. In these circumstances, a case for grant of pre-arrest bail to the applicants on point of malafide is obviously made out.

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