

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-736 of 2020

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

23.11.2020.

Mr. Abdul Shakoor Keerio, advocate along with applicants.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Shoukat Ali Kaka, advocate for complainant.

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Irshad Ali Shah J;- It is alleged that the applicants with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object caused hatchet and lathi blows to complainant Haji Fateh Muhammad, PWs Gulzar Ali, Ishaque, Aslam Ali and Muhammad Aslam with intention to commit their murder and then went away by making aerial firing to create harassment, for that the present case was registered against them.

2. The applicants on having been refused pre arrest bail by learned Additional Sessions Judge, Khipro have sought for the same from this Court by way of instant application u/s 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy its dispute with them over landed property; the FIR has been lodged with delay of about one day and offence alleged against the applicants is not falling within 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.

4. Learned A.P.G. for the State and learned counsel for the complainant have 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 one day; such delay having not been explained plausibly could not be ignored. Whether the injuries to the injured have been caused by the applicants and others with intention to commit their murder? It requires determination at trial. Parties are already disputed over landed property. In that situation, a case for grant of pre-arrest bail in favour of applicants on point of malafide and further inquiry is 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 bail application is disposed of accordingly.

JUDGE