

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-989 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For orders on office objection
2. For hearing of main case.

23.11.2020.

Syed Ali Imran Shah, advocate along with applicants.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Asif Ahmed Laghari, advocate for complainant.
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Irshad Ali Shah J;- It is alleged that the applicant with rest of the culprit after having formed an unlawful assembly and in prosecution of their common object caused hatchet and lathi blows to PW Ghulam Murtaza with intention to commit his murder and then went away by insulting complainant Pervaiz Ali, for that the present case was registered.

2. The applicant on having been refused pre arrest bail by learned 1st Additional Sessions Judge, Badin has 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 applicant that the applicant being innocent has been involved in this case falsely by the complainant party in order to satisfy its dispute with him over landed property; the FIR has been lodged with delay of about 03 days; the offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C and co-accused Bilawal and Ghulam Mustafa have already been admitted to bail by learned trial Court and

investigation of the case is over. By contending so, he sought for pre-arrest bail for the applicant 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 applicant by contending that he has 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 three days; such delay having not been explained plausibly could not be overlooked. No injury to the injured is attributed to the applicant specifically. Whether the injuries to the injured were caused by the applicant and others with intention to commit his murder? It requires determination at trial. Parties are already disputed over landed property. Co-accused Bilawal and Ghulam Mustafa have already been admitted to bail. The investigation of the case is over. In these circumstances, a case for grant of bail to the applicant on point of further inquiry and malafide obviously is made out.

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

8. The instant bail application is disposed of accordingly.

JUDGE