

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-1069 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of main case.

27.11.2020.

Mr. Wajid Ali Khaskheli, advocate along with applicants.

Ms. Sobia Bhatti, A.P.G for the State.

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Irshad Ali Shah J;- It is alleged that the applicants with rest of the culprits committed theft of electric motor of complainant Tagio Khan and on resistance caused him butt blows, for that the present case was registered.

2. The applicants on having been refused pre arrest bail by learned Sessions Judge, Dadu 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 matrimonial dispute with them; the FIR of the incident has been lodged with delay of two days and co-accused Latif has already been admitted to bail by learned trial Court. 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 cases of *Bashir Ahmed vs Amjad Ali and 5 others (2000 SCMR 1074)*,

Muhammad Moosa and 2 others vs the State (2005 YLR 346), Anwar Ali and 3 others vs the State (2005 YLR 284), Mujahid Hussain Naqvi vs Ansar Mehmood Awan and 2 others (PLD 2016 High Court (AJ&K) 32).

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 by causing butt blows to the complainant.

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

6. The FIR of the incident has been lodged with delay of about two days; such delay having not been explained plausibly could not be ignored. The case has finally been challaned. Parties are said to be disputed over matrimonial affairs and co-accused Latif has already been admitted to post arrest bail by learned trial Court. In that situation, no useful purpose would be served if the applicants are taken into custody and then are admitted to bail on point of consistency.

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