

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-982 of 2020

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

09.12.2020.

Syed Muhammad Wasim Shah, advocate along with
applicant.

Mr. Shahid Ahmed Shaikh, D.P.G for State.

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Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprit in furtherance of their common intention by using criminal force caused hatchet and lathi blows to complainant Wazir Ali with intention to commit his murder, misappropriated his money worth Rs.10,000/- and then went away by insulting and threatening him of murder, for that the present case was registered.

2. The applicant on having been refused pre arrest bail by learned Additional Sessions Judge-1, Tharparkar at Mithi 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 02 months; the offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C and co-accused Abdul Khaliq and Muhammad Ramzan have been let off by the police. 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 has opposed to grant of pre arrest bail to the applicant by contending that he has actively participated in commission of incident by causing hatchet blow 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 months; such delay having not been explained plausibly could not be overlooked. C-accused Abdul Khaliq and Muhammad Ramzan have already been let off by the police finding them to be innocent. Whether the injuries to the complainant with hatchet and lathies were caused with intention to commit his murder? It requires determination at trial. The investigation of the case is over. The applicant has joined the trial. 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