

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Cr.B.A.No.S-862 of 2020

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

**14.12.2020.**

Mr. Niaz Hussain Leghari, 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 after having formed an unlawful assembly and in prosecution of their common object not only fired at complainant Muhammad Yousif with intention to commit his murder but caused hatchet and lathi blows to complainant, PWs Murad and Muhammad Sachal, for that the present case was registered.

2. The applicants on having been refused pre arrest bail by learned Additional Sessions Judge, Hala 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 distich of waste water; the FIR has been lodged with delay of about eight days and section 324 PPC has been deleted by learned Additional Sessions Judge, Hala vide his order dated 04.11.2020

therefore, the applicants are entitled to grant of pre-arrest bail 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 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 eight days; such delay could not be overlooked. No fire shot hit to anyone. Section 324 PPC has been deleted by learned Additional Sessions Judge, Hala. The injuries sustained by the complainant and his witnesses are not falling within prohibitory clause of section 497(2) Cr.P.C. The parties are already disputed over drain water. 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**