

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1086 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objections.

For hearing of main case.

19.01.2021

Mr. Ghulam Shabbir Mari, advocate along with applicants.

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

Complainant Haji Khan in person.

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Irshad Ali Shah, J:- It is alleged that the applicants in furtherance of their common intention by using criminal force caused firearm injuries and lathi blows to complainant Haji Khan and PW Akber Ali with intention to commit their murder, for that the present case was registered against them.

2. The applicants on having been refused pre arrest bail by learned 2nd Additional Sessions Judge, Badin 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; the FIR has been lodged with delay of about one days. 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 assisted by complainant has opposed to grant of pre arrest bail to the applicants by contending that they 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 overlooked. The identity of the applicants at night time under the light of motorcycle is appearing to be a weak piece of evidence. The fire shot injury sustained by the complainant on his non-vital part of his body. The parties are already disputed over matrimonial affairs. The case has finally been challend. The applicants have joined the trial. In these circumstances, it is rightly being contended by learned counsel for the applicants that the applicants are entitled to grant of pre-arrest bail.

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

Ahmed/Pa,