

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

Cr.B.A.Nos.S-1198 & 1199 of 2020

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DATE	ORDER WITH SIGNATURE OF JUDGE
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**08.02.2021.**

M/s Tarique Ali Jakhrani and Farhan Ahmed Bozdar,  
advocates 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 killed pregnant she animal (Pharo), for that they were booked and reported upon.

2. The applicants on having been refused pre arrest bail by learned Additional Sessions Judge-III, Dadu have sought for the same from this Court by making separate applications under Section 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 extract money from them; the FOR has been lodged with delay of about three days and the offence alleged applicants is not falling within prohibitory clause of section 497(2) Cr.P.C and co-accused Abdul Sattar and two others have already been admitted to bail after their arrest by learned trial Court. By contending so, he sought for pre-arrest bail for the applicants.

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 three days; such delay could not be overlooked. The offence alleged against the applicants is not falling within prohibitory clause of section 497(2) Cr.P.C. The case has finally been challenged. The applicants have joined the trial. Co-accused Abdul Sattar and two others have already been admitted to bail after their arrest by learned trial Court; therefore, 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 case of *Muhammad Ramzan vs. Zafarullah and others (1986 SCMR-1380)*, it was held by the Honourable Court that;

*“No useful purpose was likely to be served if bail of the accused is cancelled on any technical ground because after arrest he could again be allowed bail on the ground that similarly placed other accused were already on bail.”*

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

9. The instant bail applications are disposed of accordingly.

JUDGE

