

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-32 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of main case.

03.03.2021

Mr. Manzoor Ahmed Panhwar, advocate along with applicants.

Ms. Sana Memon, A.P.G for the State.

Mr. Haq Nawaz Jamari, advocate for complainant.

==

Irshad Ali Shah, J:- It is alleged that the applicants after having formed an unlawful assembly and in prosecution of their common object caused hatchets/lathies/iron rod blows to complainant Haji and then take away his goats and rupee one lac, for that the present case was registered.

2. The applicants on having been refused pre arrest bail by learned Additional Sessions Judge-II, Tando Muhammad Khan have sought for the same from this Court by way of instant application 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 satisfy its grudge with him over landed property; the FIR has been lodged with delay of about [17] days and offence alleged against the applicants is not falling within prohibitory clause of section 497(2) Cr.P.C. 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 and learned counsel for the complainant have opposed to grant of pre arrest bail to the applicants by contending that they have actively participated in commission of incident by causing hatchets/lathies/ iron rod 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 [17] days; such delay could not be overlooked. The injuries sustained by the complainant are not falling within prohibitory clause of section 497(2) Cr.P.C. Parties are already disputed over landed property. The case has finally been challaned. 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 on point of malafide.

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.