

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Cr.B.A.No.S-682 of 2019

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

**06.09.2019.**

Mr. Aziz Ahmed Laghari, advocate along with applicants.

Ms. Safa Hisbani, A.P.G.

Mr. Ahsan Ali Bhurgari, advocate along with complainant.

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**Irshad Ali Shah J;-** It is alleged that the applicants with rest of the culprits and in furtherance of their common intention caused hatchet blows to PW Muhammad Yaqoob with intention to commit his murder, in order to satisfy their grudge with him over rotation of water, for that the present case was registered.

2. The applicants on having been refused pre arrest bail by the learned 2<sup>nd</sup> Additional Sessions Judge, Badin have sought for the same from this court by way of instant application under Section 498 Cr.P.C.

3. It is contended by the 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 their grudge with them over rotation of water; the FIR has been lodged with delay of about seven days; co-accused Jeo and Akber have already been admitted to bail by learned trial court and three out of four injuries as per medical opinion has been

caused to the injured with some hard blunt substance and not with hatchet and offence 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 malafide.

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to grant of 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 seven days, such delay could not be overlooked. Three out of four injuries allegedly sustained by PW Muhammad Yaqoob as per medical opinion has been caused to him with some hard and blunt substance and not with hatchet, which appears to be significant. Co-accused Jeo and Akber have already been admitted to bail by learned trial court. Parties are already disputed over rotation of water. In that situation, obviously a case for grant of pre-arrest bail for the applicants on point of malafide is made out.

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

8. The instant application is disposed of accordingly.

JUDGE