

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Cr.B.A.No.S-1154 of 2018

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DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For orders on MA-2371/19
3. For hearing of main case.

**01.10.2019.**

Mr. Ali Shahzad Memon, advocate along with applicants.  
Mr. Shahzad Saleem Nahiyoan, D.P.G  
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**Irshad Ali Shah J;-** It is alleged that the applicants in furtherance of their common intention caused hatchet and lathi blows to PWs Inayat Ali and Aijaz Ali with intention to commit their murder for that the present case was registered.

2. The applicants on having been refused pre arrest bail by the learned IInd 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 create a counter version of murder case; the FIR has been lodged with delay of about three months and case on investigation was recommended to be cancelled by police under "C" class and very case is at the verge of its final disposal. By contending so, he sought for pre-arrest bail to the applicants on point of malafide and further enquiry.

4. Learned D.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 has been lodged by the complainant with delay of about three months after having a recourse u/s 22-A & B Cr.P.C, which appears to be significant. There is counter version of the incident and the very case against the applicants on investigation was found to be false and recommended to be cancelled by the police under "C" class. The case is at the verge of its final disposal. In these circumstances, a case for grant of pre-arrest bail obviously is made out in favour of the applicants on point of malafide and further enquiry.

7. In view of the facts and reason discussed above, 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