

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-825 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

For orders on office objection
For hearing of main case.

18.10.2019.

Mr. Masood Rasool Babar Memon, advocate along with
applicant.
Ms. Safa Hisbani, A.P.G.
Mr. Farhad Ali Abro, advocate for the complainant.
=

Irshad Ali Shah J;- It is alleged that the applicant with rest of the culprits after having been formed an unlawful assembly and in prosecution of its common object not only committed Qatl-e-Amd of Mashooque Ali and Ali Muhammad by causing them fire shot injuries but also caused fire shot injuries to PW Sajawal with intention to commit his murder for that the present case was registered.

2. The applicant on having been refused pre arrest bail by the learned 8th Additional Sessions Judge, Hyderabad has sought for the same from this court by way of instant bail application under Section 498 Cr.P.C.

3. It is contended by the learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party in order to satisfy its enmity with him; the FIR has been lodged with delay of about one day; the role attributed to the applicant in commission of incident is only to the extent of instigation and the applicant at the time of incident even otherwise was empty handed. By

contending so, he sought for pre-arrest bail for the applicant on point of malafide and further enquiry. In support of his contention he has relied upon case of ***Qurban Ali vs The State and others (2017 SCMR 279)*** and ***Wazir Muhammad vs The State (1978 SCMR 448)***.

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to grant of pre-arrest bail to the applicant by contending that the applicant is involved in commission of incident vicariously.

5. I have considered the above arguments and perused the record.

6. The FIR of the incident has been lodged by the complainant with delay of about one day and the role attributed to the applicant in commission to the incident admittedly is only to the extent of instigation; the parties are inimical with each other since long. In that situation, a case for grant of pre-arrest bail in favour of the applicant on point of further enquiry and malafide is obviously made out.

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

8. The instant bail application is disposed of accordingly.

JUDGE