

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

Cr. B.A. No.S-907 of 2019

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

30.09.2019.

Mr. Faizan Ahmed Memon, Advocate for the Applicant.

Applicant is present on interim pre-arrest bail.

Mr. Nazar Muhammad Memon, Additional Prosecutor General, Sindh.

Mr. Qambar Ali Jamali, Advocate for complainant.

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ORDER

Zulfiqar Ali Sangi, J.-Through instant application, the Applicant seeks pre-arrest bail in Crime No.78/2019, registered at Police Station B-Section Shaheed Benazirabad, under section 302 PPC. Initially, plea of pre-arrest bail preferred by the Applicant was declined by learned Vth Additional Sessions Judge, Shaheed Benazirabad vide order dated 29.05.2019.

2. As per contents of F.I.R, lodged by complainant Mst. Raheela at Police Station B-Section Shaheed Benazirabad in between 13/14.04.2019, son of the complainant namely Sanaullah who was doing labour, has gone for labour but did not return. Complainant party made search of Sanaullah and while doing so they found his dead body lying in a house situated in front of their house. Complainant party went near the dead body of Sanaullah and found injuries on forehead, nose, both knees and swelling on his eyes. Thereafter, complainant informed such facts to police and then brought the dead body of Sanaullah at P.M.C.H Shaheed Benazirabad for legal formalities. Thereafter, complainant lodged such F.I.R.

3. Learned counsel for Applicant, *inter alia*, submits that the Applicant is innocent and has been falsely involved in this case; that there is admitted enmity between the parties; that applicant has been involved in the present case with malafide intention; that F.I.R. was registered with delay of three days

which suggests that such was registered after due consultation and deliberation. Lastly he prayed for confirmation of interim pre-arrest bail earlier granted to the Applicant.

4. Learned A.P.G. and counsel for complainant opposed the bail application and has contended that Applicant has committed heinous offence and his name is transpired in the F.I.R, thus he deserves no concession, accordingly the present application for pre-arrest bail may be dismissed.

5. I have heard the parties counsel and perused the material available on record.

6. Admittedly, there is no any eye-witness of the incident, no specific role has been assigned to Applicant; Delay in F.I.R. has not been explained properly by the complainant. Name of Applicant is mentioned only that complainant has suspect upon Applicant and others; Statements under section 161 Cr.P.C. recorded with delay; Co-accused Asif has been granted post-arrest bail by IInd Additional Sessions Judge Shaheed Benazirabad vide order dated 08.08.2019 and the case against the Applicant is on same footings.

7. In view of above, the Applicant has successfully made out his good prima facie case for grant of pre-arrest bail in the present case. Resultantly, the application is allowed and the interim pre-arrest bail earlier granted to the applicant by this Court vide order dated 18.09.2019 is hereby confirmed on same terms and conditions.

8. Needless to mention that the observation made hereinabove are tentative in nature and will not cause any prejudice to either party at the trial.

JUDGE

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