

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-1102 of 2021

Applicant : Ameer Ahmed Son of Muhammad Uris Panhyar, through Mr. Ashique Hussain D. Solangi, Advocate.

Respondent : The State through Ms. Rameshan Oad, Assistant Prosecutor General, Sindh.

Date of hearing : **17.12.2021**
Date of Order : **17.12.2021**

O R D E R

AMJAD ALI SAHITO, J:- Through the instant bail application, the applicant/accused above named seeks his pre-arrest bail in Crime No.06 of 2021, under sections 440, 504, 34, 337-F(iv), 337-H(ii) P.P.C, registered at P.S Ameenani, after his bail plea was declined by the learned Additional Sessions Judge-I, Dadu vide order dated 30.11.2021.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicant submits that applicant/accused is innocent and has falsely been implicated in this case; that due to intervention of the Nekkards the accused and complainant have patched-up thereby complainant has pardoned the accused in the name of Almighty ALLAH. He further contended that the case has been challaned and the parties likely to file compromise applications before the learned Trial Court, therefore, prayed for confirmation of interim pre-arrest bail.

4. On the other hand, learned Assistant Prosecutor General, Sindh opposed the confirmation of interim pre-arrest bail.

5. I have heard learned counsel for the applicant as well as complainant in person and Assistant Prosecutor General, Sindh having also gone through the record available.

6. No doubt the name of the applicant/accused appears in the F.I.R but the punishment of sections applied in the F.I.R is maximum upto five years which does not fall within the prohibitory clause of section 497 Cr.P.C. In such circumstances, the grant of bail is rule and refusal is an exception. Complainant Shamsher present in Court files affidavit in which he has stated that due to intervention of the Nekkards he has entered

into compromise has patched with the accused in order to maintain the tranquility of the locality thereby has buried differences between him and accused and has recorded no objection if interim bail of applicant is confirmed. Since the complainant has given no objection for confirmation of interim pre-arrest bail, therefore, instant bail application is allowed and the interim pre-arrest bail earlier granted to the applicant by this Court vide Order dated 03.12.2021, is hereby confirmed on the same terms and conditions. The applicant/accused is directed to attend the learned Trial Court regularly if he fails to appear the Trial Court would be at liberty to take actions against them in accordance with law.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE

*Muhammad Danish**