

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. S-664 of 2021

Date	Order with signature of Judge
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For hearing of Bail Application.

1. For orders on office objection at Flag 'A'
2. For hearing of Bail Application.

Date of hearing : 04.11.2021

Date of order : 04.11.2021

Mr. Muhammad Farooque Ahmed Gujjar, Advocate for applicant/accused.

Mr. Zulifqar Ali Jatoi, Additional P.G.

ORDER

Khadim Hussain Tunio, J. Through instant criminal bail application, the applicant Sanjar Khan alias Sanjar son of Darya Khan by caste Jagirani seeks pre-arrest bail in FIR No. 09/2021 of Police Station Katcho Bindi-II District Ghotki for offences punishable under sections 324, 353, 148 and 149 PPC. Earlier, applicant/accused approached to learned trial Court where his bail plea was declined vide order dated 06.09.2021.

2. It is alleged that the applicant/accused along with co-accused in furtherance of their common object deterred the police party of PS Katcho Bindi-II for discharging their lawful duty and made attempt of their Qatal-i-Amd; learned counsel for applicant submits that applicant/accused is innocent and has been falsely implicated in the case; that the name of the applicant does not transpire in the FIR but his name has been disclosed by the complainant party in further statement; that applicant has joined investigation as well as trial after grant of pre-arrest bail, therefore, the case against the applicant/accused requires further probe.

3. Conversely, learned Additional P.G concedes the confirmation of interim pre-arrest bail already granted to the applicant/accused.

4. Admittedly, name of applicant/accused does not transpire in the FIR. It is admitted position that no specific role has been assigned to the applicant/accused; that name of applicant/accused has been disclosed by the complainant and P.Ws in their further statement dated 24.06.2021; that applicant/accused has joined investigation and has not misused the concession of interim pre-arrest bail; that co-accused Ihsan son of Soomer by caste Sabzoi has already been admitted to pre-arrest bail by the learned trial Court, therefore, rule of consistency is fully attracted in the present case; that no purpose would be served to prosecution if the applicant/accused is refused pre-arrest bail and again admitted to post arrest bail after his arrest. In this respect reliance is placed in the case reported as 1986 SCMR 1380 (Muhammad Ramzan versus Zafarullah and another). Such view has recently been reiterated by the Hon'ble Apex Court in the order passed in unreported case of *Kazim Ali and others v. The State in Crl. Petition No. 507-L of 2021* dated 11.10.2021.

5. In view of above, applicant/accused has successfully made out his case for grant of pre-arrest bail, therefore, present bail application is allowed and interim pre-arrest bail already granted to the applicant/accused is confirmed on the same terms and conditions. Needless to say that the observations made hereinabove are tentative in nature and will not prejudice the case of either party.

The criminal pre-arrest bail application is disposed of in the above terms.

J U D G E