

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S- 1141 of 2020

DATE ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.
For hearing of main case.

05.03.2021.

Mr. Rao Faisal Ali, advocate for the applicant.
Mr. Shahid Ahmed Shaikh, D.P.G for the State.

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Irshad Ali Shah J:- It is alleged that the applicants with rest of the culprit was found transporting huge quantity of Gutka and Main puri an injurious / poisonous substance intending to spread infection / disease likely to be dangerous / poisonous to human lives, for that the present case was registered.

2. The applicants on having been refused post arrest bail by learned Sessions Judge, Umerkot have sought for the same from this Court by way of instant application u/s 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the police; there is no independent witness to the incident and the property has been subjected to chemical examination with considerable delay and co-accused Jesa Ram has already been admitted to bail by this Court after his arrest and no useful purpose would be served, if the applicants are taken into custody and then are admitted to bail on point of consistency. By contending so, he sought for pre-arrest bail for the applicants on

point of further enquiry and malafide. In support of his contention he relied upon case of *Muhammad Ramzan vs Zafarullah and others (1986 SCMR 1380)*.

4. Learned D.P.G. for the State has opposed to grant of pre-arrest bail to the applicants by contending that the offence alleged against them is affecting the society at large.

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

6. There is no independent witness to the incident despite advance information to the police, which appears to be significant. Only five packets of the alleged substance have been subjected to chemical examination that too with considerable delay. The offence alleged against the applicants is not falling within prohibitory clause of section 497(2) Cr.P.C. Co-accused Jesa Ram has already been admitted to post arrest bail by this Court. The case has finally been challenged. The applicants have joined the trial. In these circumstances, a case for grant of pre-arrest bail to the applicants on point of further inquiry and malafide obviously is made out.

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

8. The instant bail application is disposed of accordingly.

JUDGE