

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Bail Application No.S-1138 of 2020

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

**08.03.2021**

Mr. Farhan Ahmed Bozdar, advocate along with applicant.  
Ms. Safa Hisbani, A.P.G for the State.

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**Irshad Ali Shah, J:-** It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in furtherance of their common object not only maltreated complainant Muhammad Ishaque, PWs Muhammad Hayat and Kamaluddin, but threatened them of murder, for that the present case was registered.

2. The applicant on having been refused pre arrest bail by learned Additional Sessions Judge, Khipro has 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 applicant that the applicant being innocent has been involved in this case falsely by the complainant party; offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C; there is counter version of the incident and co-accused Lakhmir and seven others have already been admitted to bail by learned trial Court. By contending so, he sought for pre-arrest bail for the applicant on point of further enquiry and malafide.

4. Learned A.P.G. for the State has opposed to grant of pre arrest bail to the applicant by contending that he has actively participated in commission of incident.

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

6. The offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C. There is counter version of the incident. Co-accused Lakhmir and seven others have already been admitted to bail. Parties are already disputed. The case has finally been challaned. The applicant has joined the trial. In these circumstances, it is rightly being contended by learned counsel for the applicant that the applicant is entitled to grant of pre-arrest bail on point of malafide.

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

Ahmed/Pa.