

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-969 of 2020

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

09.03.2021

Mr. Mushtaque Ahmed Memon, advocate along with
applicant.

Ms. Sobia Bhatti, 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 in furtherance of their common intention caused hatchet and lathi blows to PWs Noor Hassan and Gulsher and then went away by issuing threats of murder to complainant party, for that the present case was registered.

2. The applicant on having been refused pre arrest bail by learned Additional Sessions Judge-I, Tando Muhammad Khan 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; co-accused Ghulam Rasool has 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 by causing back side of hatchet blow to PW Noor Hassan.

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

6. The FIR of the incident has been lodged with delay of about [25] days; such delay could not be lost sight of. The offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C. Co-accused Ghulam Rasool has already been admitted to bail by learned trial Court. Parties are already disputed over landed property. 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.