

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr.B.A.No.S-92 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

11.03.2021.

Mr. Ghulam Asghar Mirbahar, advocate along with applicants.

Ms. Sobia Bhatti, A.P.G for the State.

Mr. Samiullah Rind, advocate for complainant.

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Irshad Ali Shah J;- It is alleged that the applicants with rest of the culprits in furtherance of their common intention committed *Qatl-e-amd* of Kamran by strangulating his throat and causing lathi blows, for that the present case was registered.

2. The applicants on having been refused pre arrest bail by learned 6th Additional Sessions Judge, Hyderabad have sought for the same from this Court by way of instant application under section 498-A 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; the FIR has been lodged with delay of about three days; it is

unseen incident; therefore, the applicants are entitled to grant of pre-arrest bail on point of malafide.

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to grant of pre-arrest bail to the applicants by contending that they are involved in commission of incident on the basis of CDR report.

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

6. The FIR of the incident has been lodged with delay of about three days; such delay could not be overlooked. As per FIR it was unseen incident and the involvement of the applicants with commission of incident is based on private investigation. CDR report could hardly connect the applicants with the commission of incident. The applicants have joined the trial. The applicants in the circumstances are found 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 applicants is confirmed on same terms and condition.

8. Instant Criminal Bail Application is disposed of accordingly.

JUDGE

Ahmed/Pa