

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

Criminal Bail Application No.S-183 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections. 2. For hearing of main case.

**13.05.2022**

Mr. Abdul Rasool Abbasi, Advocate for applicant.  
Ms. Sana Memon, Assistant Prosecutor General, Sindh.  
Mr. Abdul Waheed Laghari, Advocate for the complainant.

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**Irshad Ali Shah J:-** It is alleged that the applicant with the rest of the culprits after having formed an unlawful assembly and in prosecution of their common object caused iron rod, *Danda* and butt blows to PW Muhammad Malook with intention to commit his murder and then went away by misappropriating his licensed pistol, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Additional Sessions Judge-I, Dadu has sought for the same from this Court by making instant application u/s 497 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 and certain co-accused have already been admitted to post-arrest bail by learned Trial Court, therefore, the applicant is entitled to grant of pre-arrest bail on point of further inquiry and consistency.

4. Learned Assistant Prosecutor General, Sindh State and learned counsel for the complainant have opposed to grant of bail to the applicant by contending that applicant has already been refused post-arrest bail by this Court through a

detailed order dt. 01.11.2021 vide criminal bail application No.S-926 of 2021 and principal for grant of pre and post-arrest bail are altogetherly different.

5. Heard arguments and perused the record.

6. Admittedly the applicant is named in FIR with specific role of causing butt blows to PW Muhammad Malook and he has been refused pre-arrest bail by this Court. It was expected of the applicant to have surrendered before the learned Trial Court after refusal of pre-arrest bail to him by this Court, which he failed to do and again sought for pre-arrest bail without availability of fresh ground to him for doing so. If for the sake of arguments, it is believed that certain co-accused have been admitted to post-arrest bail by learned Trial Court even then this could hardly be treated a fresh ground for the applicant to admit him to pre-arrest bail ignoring the detailed order of this Court, whereby he was denied concession of pre-arrest bail by making a specific conclusion that his case is not falling within the ambit of further inquiry.

7. In view of above discussion, it could be concluded safely that no fresh ground is available which may justify this Court to admit the applicant to pre-arrest bail; consequently, the instant bail application is dismissed.

**JUDGE**

Muhammad Danish\*