

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

Criminal Bail Application No.S-55 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection.
	2. For hearing of main case.
<u>21.03.2022.</u>	

Syed Faiz Ahmed Shah, Advocate for applicants.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Mr. Ghulam Ali Mughal, Advocate for complainant.

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Irshad Ali Shah J.- It is alleged that the applicants with rest of the culprits after having formed an unlawful assembly in prosecution of their common object, by committing trespass into the house of complainant Mst. Tahmina caused backside of hatchet, lathies and butt blows to her and PWs Mst. Gulli, Mst. Hakimzadi and Mst. Hameedan and then went away by insulting and issuing threats of dire consequences to them, for that the present case was registered.

2. The applicants on having been refused post-arrest bail by learned 2nd Civil Judge & J.M Johi at Dadu and 1st Additional Sessions Judge, Dadu have sought for the same from this Court by making instant application under section 497 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 complainant in order to satisfy her dispute with them over property; the F.I.R has been lodged with delay of about 15 days and offence alleged against the applicants is not falling within prohibitory clause, therefore, they are entitled to be released on bail on point of

further inquiry. In support of his contentions, he relied upon the case of *Muhammad Faisal Vs. The State and another* [2020 SCMR 971] and *Jan Muhammad Vs. Haji Noor Jamal and another* [1998 SCMR 500].

4. Learned Assistant Prosecutor General for the State and learned counsel for the complainant have opposed to release of the applicants on bail by contending that they have actively participated in commission of offence and they were refused pre-arrest bail even by this Court.

5. Heard arguments and perused the record.

6. The principles for grant of pre and post arrest bail are different. The F.I.R of the incident has been lodged with delay of about 15 days; such delay could not be lost sight of. All the penal sections applied in the F.I.R/case are bailable excepting one under section 452 P.P.C which is not falling within prohibitory clause. The parties are already disputed over landed property. The case has finally been challaned and there is no apprehension of tampering with the evidence on the part of the applicants. In these circumstances, a case for release of the applicants on bail on point of further inquiry obviously is made out.

7. In view of above, the applicants are admitted to post arrest bail subject to their furnishing solvent surety in the sum of Rs.30,000/- each and P.R bonds in the like amount to the satisfaction of learned trial court.

8. The instant bail application is disposed of accordingly.

JUDGE

Muhammad Danish*

