

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-1072 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.10.2022

Mr. Syed Babar Ali Kazmi advocate for applicant along with applicant on ad-interim pre-arrest bail.

Ms. Rameshan Oad, A.P.G.

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MUHAMMAD IQBAL KALHORO, J.- Complainant on 15.05.2022 at about 02:00 a.m. on dogs barking, woke up and found one of his buffaloes stolen. He traced footprints and found applicant, whom he identified, along with an unknown accused dragging his buffalo to one Suzuki Jeep and speeding away. Complainant, however, did not intervene as he saw the accused duly armed with weapons; he narrated the story to his Nekkards for settling the matter with applicant but in vain. Finally, he appeared at Police Station and lodged FIR. There is delay of 04 months in registration of FIR which has not been properly explained by the complainant. No investigation in fact has been conducted by the investigating officer and just on the basis of word of the complainant he has referred the applicant to the court for a trial. Citing these grounds, learned defense counsel has pleaded for bail, opposed by learned Assistant PG.

3. The delay in registration of FIR has made the case against applicant to be one of further inquiry. In the investigation also prima facie no incriminating evidence was found against applicant and merely on the basis of word of the complainant, challan has been submitted. In these circumstances, mala fide on the part of police and complainant to refer the applicant for a trial at any cost cannot be ruled out either.

4. In view of above, this application is allowed and applicant's ad-interim pre-arrest bail granted to him vide order dated 13.10.2022 is hereby confirmed on the same terms and condition.

5. The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

