

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S- 1121 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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08.12.2022.

Mr. Niaz Hussain Shahani, Advocate for applicant alongwith applicant (on bail).

Ms. Sana Memon, A.P.G for State.

ORDER

Muhammad Saleem Jessar, J.- At the very outset learned counsel for applicant submits that challan of the case has been submitted by I.O which is now pending for preliminary proceedings before the Court of 1st Civil Judge & Judicial Magistrate/MTMC, Dadu vide Criminal Case No.273/2022 (Re-The State v. Ashique and others), taken on record. He therefore, submits that applicant after furnishing surety before this Court has surrendered before the trial Court on 02.12.2022. In support of his contention, he places on record a copy of case diary dated 02.12.2022, taken on record and submits that now the case is fixed before the trial Court on 15.12.2022.

2. Through instant application, applicant seeks his admission on pre-arrest bail in Crime No.233 of 2022 registered at P.S A-Section, Dadu under Sections 324, 504, 34 PPC.

3. The facts of the case are already mentioned in FIR as well as in memo of bail application hence need not to be reiterated.

4. Learned counsel for applicant submits that per FIR the role attributed to applicant is of ineffective firing and no overt act has been assigned to him hence the accusation against him is yet to be determined by trial Court therefore, case against applicant requires further inquiry and he has prayed for grant of bail.

5. On the other hand, learned A.P.G appearing for State submits that though the applicant was armed with repeater and had fired upon the

complainant party yet it went missing and hit to a wall therefore, no overt act is assigned to him hence she does not oppose the bail application.

6. The complainant instead of notice has chosen to remain absent.

7. Heard. Record perused.

8. Admittedly, the applicant is nominated in FIR and the role against him is of general in nature besides none from the complainant party had sustained any injury or even scratch on their part. Since there is no injury to any of the PWs hence accusation against the applicant is yet to be established by prosecution after recording its evidence. As far as instant bail application is concerned, in view of the factual position, the case against applicant requires further inquiry. Moreover, the applicant has joined the trial proceedings and has not misused the concession of bail. Accordingly, instant bail application is hereby, allowed and the interim pre-arrest bail already granted to applicant on 24.10.2022 is hereby confirmed on same terms and conditions. However, applicant is directed to continue his appearance before the trial Court, without fail.

JUDGE

Tufail