

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

Criminal Bail Application No.S-439 of 2022

DATE ORDER WITH SIGNATURE OF JUDGE

26.08.2022

Mr. Bharat Kumar advocate for applicants along with applicant Ghulam Raza.

Mr. Parshotam K. Khatri advocate for complainant.

Mr. Imran Ali Abbasi, Additional Prosecutor General Sindh.

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MUHAMMAD IQBAL KALHORO, J.- It is alleged that in execution of a decree passed by Senior Civil Judge Umerkot complainant was handed over possession of a house on Plot No.30, block No.207/2 situated in Shahbaz Mohallah Kunri Town, from accused party on 18.05.2022 through bailiff of the court. Next day, applicants along with co-accused duly armed with weapons entered the house, manhandled complainant party, snatched Rs.20000/- and dispossessed them from the house.

2. Applicants' counsel has pleaded innocence on the ground that this case is outcome of enmity between the parties whereas learned counsel for complainant has submitted that still applicants are in occupation of the said house the possession of which was given to the complainant party in compliance of court's decree through bailiff, therefore, applicants are not entitled to concession of pre-arrest bail.

3. Learned Assistant Prosecutor General has opposed bail.

4. Applicants are nominated in the FIR with specific role, and have apparently defeated the court's decree practically by forcibly occupying the house of the complainant which was given to him in compliance thereof. Applicants are seeking relief of pre-arrest bail which is extraordinary and meant to protect innocent people from humiliation of arrest in a non-bailable offence, which otherwise requires arrest of the accused, in which he has been implicated by the complainant out of *mala fide* and *ulterior motives*. There is no

material to show that in the present case applicants have been implicated as such by the complainant. There is no element of malafide on the part of complainant to falsely implicate the applicants in this case. No case for pre-arrest bail is made out.

5. In view of above, I do not find the applicants entitled to extraordinary concession of pre-arrest bail and dismiss their pre-arrest bail application. Resultantly, ad-interim pre-arrest bail earlier granted to the applicants vide orders dated 14.06.2022 is hereby recalled.

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

JUDGE