

**ORDER SHEET**

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

Cr. Bail Application No.D-25 of 2022

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**DATE**                      **ORDER WITH SIGNATURE OF JUDGE(S)**

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**Before:**

Mr. Justice Muhammad Iqbal Kalhoro  
Mr. Justice Adnan-ul-Karim Memon

1. For orders on office objections.
2. For hearing of main case.

11.08.2022.

Mr. Mehmood Alam Abbasi, Advocate for applicant alongwith applicant.  
Mr. Shahzado Saleem Nahiyoon, Additional Prosecutor General.

**ORDER**

MUHAMMAD IQBAL KALHORO, - When police of P.S Mirpur Bathoro received information about unnatural death of Mst. Fahmida Chandio reached her village Gullan Chandio for inquiry on 11.03.2021. But her relatives including her father refused to cooperate and quarreled with the police party injuring some of them including DSP Sikandar Ali Bhatti. Applicant is said to be armed with hatchet and caused a hatchet blow to driver PC Mazhar Sadique on his right arm which as per medical evidence has been opined as 337-L(ii) PPC, bailable, punishable for two years. The applicant however was found innocent in investigation and released under Section 497 Cr.P.C.

2. Applicant's bail was refused by the trial Court on the ground that he was absent ignoring the settled proposition of law that pre-arrest bail application once filed has to be decided on merits even if the applicant is not present. Although, learned Additional Prosecutor General has opposed grant of bail in view of such position but has conceded the fact that co-accused are on bail and thus the rule of consistency is applicable to applicant's case and that his bail was rejected by the trial Court on a technical ground of his absence.

Accordingly, in view of such facts and circumstances and in the light of opinion of the Investigating Officer declaring him innocent, his false implication cannot be ruled out, we allow this application and confirm the bail of the applicant on same terms and conditions set out in the order dated 19.04.2022 whereby he was granted ad-interim pre-arrest bail.

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

JUDGE

JUDGE

Shahid