

**ORDER SHEET**

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

Cr. Bail Application No.S-438 of 2022

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
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1. For orders on office objections.

2. For hearing of main case.

19.08.2022.

Applicant is present on ad-interim pre-arrest bail.  
Mr. Muhammad Hassan Chang, Advocate for applicant.  
Mr. Fayaz Hussain Sabki, Assistant P.G.  
Complainant is present in person.

O R D E R

**MUHAMMAD IQBAL KALHORO, J-** Allegations against the applicant are that he sold a plot admeasuring 2000 Sq.Feet. against sale consideration of Rs.400,000/- to the complainant in the year 2014 in Badin City upon which complainant made construction but on 20.03.2022 one Dr. Hassan Raza claimed the ownership of the said plot and asked to him to vacate it which he has reported through the present FIR.

2. Learned Counsel for the applicant has pleaded for bail by citing delay in FIR and pending civil litigation between the parties which has been opposed by learned Assistant Prosecutor General and complainant present in person. However, on account of pendency of civil litigation between the parties and absence of any documents showing role of Dr. Hassan Raza claiming ownership of the plot after seven years of possession by the complainant and his relation with the appellant is a question requiring further inquiry. Besides, none of the offences alleged against the applicant fall within prohibitory clause of Section 497 Cr.P.C.

3. In view of the facts and circumstances as stated above, the application is allowed and ad-interim pre-arrest bail already granted to the applicant is hereby confirmed on same terms and conditions.

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

JUDGE

Shahid