

ORDER SHEET
 IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
 Crl. Bail Application No.S-181 of 2023
 (Allah Jiwayo and another Vs. The State)

1. For Orders on office objection.
2. For hearing of Bail Application.

14-11-2023.

M/s Ali Gul Abbasi and Muhammad Zohaib Azam, advocates for the applicants.

Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

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Irshad Ali Shah, J;- The facts in brief necessary for disposal of the instant Bail Application are that the applicants lodged an FIR with PS Raza Goth alleging therein death of Mst. Seenghar at the hands of Allah Dino and two unknown culprits. Subsequently another FIR was lodged by Shoukat Ali Arain SHO PS Raza Goth on behalf of the State with an allegation that the applicants have actually killed Mst. Seenghar by leveling allegation of *Karap* against her. On investigation, the FIR lodged by Shoukat Ali Arain SHO PS Raza Goth was cancelled while charge sheet was submitted by the police in the FIR lodged by the applicants by nominating them as an accused. On being nominated so, the applicants sought for pre-arrest bail by filing such application, it was dismissed by learned Additional Sessions Judge Pano Aqil, it is in these circumstances, they have sought for the same from this Court by way of instant application u/s 498-A Cr.P.C.

2. Heard arguments and perused the record.
3. Admittedly, the FIR lodged on behalf of the State has been cancelled. The applicants have been challaned in their own FIR apparently on the basis of 161 Cr.P.C statements of PWs PC Imam Din and PC Abdul Jabbar,

those have been recorded with delay of about two months. No plausible explanation to such delay is offered. The case has finally been challaned; it has proceeded and there is no allegation of misusing the concession of interim pre-arrest bail on the part of the applicants. In these circumstances a case for grant of pre-arrest bail in favour of the applicants on point of further inquiry malafide obviously is made out.

4. In case of *Meeran Bux vs. The State and others* (PLD 1989 S.C 347), it has been held by Hon'ble Apex Court that;

".....Since the appellant remained on bail for more than one year before the bail was cancelled by the High Court without abusing the concession of bail in any manner and the reason given by the learned Session Judge for granting pre-arrest bail that the injury was on non-vital part of the body of 'the deceased i.e. thigh and was simple, was not without foundation, we would, therefore, in the circumstances, set aside the impugned order of the High Court and restore the order of the Sessions Judge granting the pre-arrest bail."

5. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on the same terms and conditions.

6. The instant bail application is disposed of accordingly.

Judge