

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
Crl. Bail Application No. S-777 of 2023  
( Hamero and another Vs. The State)

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1. For Orders on office objection.
2. For Orders on MA No. 6654/2023.
3. For hearing of Bail Application

**23-11-2023.**

Mr. Saleem Akhtar advocate for the applicants.  
Syed Sardar Ali Shah Rizvi, Additional PG for the State.

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**IRSHAD ALI SHAH, J;-** It is alleged that the applicants with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object by committing trespass into house of complainant Soomar Kumar by night with intention to commit some offence, caused him fists, kicks and iron rod blows, for that the present case was registered.

2. The applicants on having been refused pre-arrest bail by learned Additional Sessions Judge, Daharki have sought for the same from this Court by way of instant bail application under Section 498-A, Cr.P.C.

3. Heard arguments and perused record.

4. The FIR of the incident has been lodged with delay of about 06 days; such delay having not been explained plausibly could not be over looked. The identity of the applicants at night time under the light of bulb is weak piece of evidence. The parties are already disputed over the matter of passage. The injuries sustained by the complainant are not falling with the prohibitory clause. The case has finally been challaned. The applicants have joined the trial and there is no allegation of misusing the concession of interim pre-arrest bail on their part. Moreso, the complainant now by filing his affidavit has recorded no objection to grant of bail to the applicants. In these circumstances a case for grant of pre-arrest bail to the applicants on point of further inquiry and malafide is made out.

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

Instant Bail Application is disposed of accordingly together with list applications.

Judge

ABRROHILPA