

**HIGH COURT OF SINDH, CIRCUIT COURT  
AT HYDERABAD**

**Cr. Bail Application No.S-1216 of 2023**

[Mandhro & Others versus The State]

Applicants : Through Mr. Muhammad Iqbal Qassar advocate

State : Through Ms. Rameshan Oad Assistant P.G  
a/w IO Inspector Ghulam Qadir Sarki

Date of hearing: 28.11.2023

Date of decision: 28.11.2023

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**ORDER**

**MUHAMMAD KARIM KHAN AGHA J.-** Applicants Mandhro, Aijaz Ali and Nazir alongwith co-accused have been booked in Crime No.54 of 2023 registered at P.S Talhar under Sections 324, 353, 337-F(i), 337-H(ii), 506(2), 114 and 35 PPC, which is proceeding before learned Additional Sessions Judge Matli (trial Court). They had applied for pre-arrest bail before the learned trial Court, however, it was declined vide Order dated 31.10.2023, hence they have approached this Court for pre-arrest bail.

2. Brief facts of the case, as per FIR lodged by SIP Siraj Ahmed Shaikh, are that on 05.04.2023 he received the information that wanted accused of crime No.53 of 2023 are heading towards Purano Neero. He put together a police party in order to arrest the wanted accused persons. When the police party attempted to arrest the applicants and other co-accused, they made straight fires upon the police party, police also retaliated and as a result one police mobile was hit and a hatchet blow was caused to PC Zulfiqar Ali. The applicants and other co-accused, however made their escape good and were later on arrested.

3. I have heard the learned counsel for the applicants as well as learned Assistant Prosecutor General.

4. It is noted that co-accused Shahid Hussain @ Deedar and Mour Jamali have already been granted post-arrest bail by this Court vide Order

of even date passed in Cr. Bail Application No.S-1121 of 2023 and the role of the present applicants is same as that of accused Shahid Hussain and Mour Jamali. It is well settled by now that in the event pre-arrest bail of present applicants is declined, they will almost certainly be admitted to post-arrest bail on the basis of rule of consistency, as such interim pre-arrest bail granted to the applicants vide Order dated 06.11.2023 is hereby confirmed on the same terms and conditions.

4. Needless to mention here that observations made hereinabove are tentative in nature and the same will not prejudice the case of either party at trial.

5. Captioned bail application stands disposed of accordingly.

JUDGE

Sajjad Ali Jessar