

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-724 of 2023

(Ghulam Murtaza Shahani Vs. The State)

1. For Orders on office objection.
2. For Orders on MA No. 7147/2023
3. For hearing of Bail Application.

13-12-2023.

Mr. Shabbir Ali Bozdar, advocate for the applicant.

Mr. Aftab Ahmed Shar, Additional P.G for the State.

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Irshad Ali Shah, J.: It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly in prosecution of its common object, caused kicks, fists and hatchet blows to PWs Imran, Sardar and Ali Zaman and then went away by making aerial firing to create harassment, for that the present case was registered.

2. On having been refused pre arrest bail by learned Ist Additional Sessions Judge, Mirpur Mathelo, the applicant has sought for the same from this Court by way of instant application u/s 498-A Cr.P.C.

Heard arguments and perused the record.

3. The FIR of the incident has been lodged with delay of one and half month; that too after having a recourse u/s 22 A/B Cr.P.C, such delay having not been explained plausibly could not be over looked; the offence alleged against the applicant is not falling within the prohibitory clause; Co-accused Dadlo and 6 others have already been admitted to bail by learned trial Court. The case has finally been challaned, the applicant has joined the trial and there is no allegation of misusing the concession of interim pre-arrest bail on his part. In these circumstances a case for grant of pre-arrest bail to the applicant on point of further inquiry and malafide obviously is made out.

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

5. The instant bail application is disposed of accordingly.

Judge

