

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-746 of 2023

(Turab Ali Vs. The State)

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

**12-12-2023.**

Mr. Muhammad Qayyum Arain, advocate for the applicant.  
Syed Sardar Ali Shah Rizvi, 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 and in prosecution of its common object, fired at complainant party with intention to commit their murder, as a result of such firing PW Nazeer Ahmed sustained fire shot injury on his right leg and then they went away by causing fists and kicks blows to complainant Ghous Bux and his witness, for that the present case was registered.

2. The applicant on having been refused bail by learned IIIrd Additional Sessions Judge, Khairpur, has sought for the same from this Court by way of instant application u/s 498-A Cr.P.C.

3. Heard arguments and perused the record.

4. The FIR of the incident has been lodged with delay of about seven days; such delay having not been explained plausibly could not be over looked; no active role in commission of incident is attributed to the applicant; therefore sharing of common intention on his part would call for determination at trial. The parties are disputed over possession of landed property. Complainant Ghous Bux now by filing his affidavit has recorded no objection to grant of pre arrest bail to the applicant. The case has finally been challaned. Co-accused Zulfiqar @ Bahoo with similar role has already been admitted to post arrest bail

by learned trial Court. In these circumstances, no useful purpose would be served to refuse pre arrest bail to the applicant and then to admit him to post arrest bail on point of consistency.

5. In case of Muhammad Ramzan Vs. Zafarullah & others (1986 SCMR 1380), it has been held by Apex Court that;-

*“no useful purpose was likely to be served, if bail of accused (respondent) was cancelled on any technical ground because, after arrest he could again be allowed bail on the ground that similarly placed other accused were already on bail”.*

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

7. The instant bail application is disposed of accordingly.

Judge