

**ORDER SHEET**  
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR  
Crl. Bail Application No. S- 822 of 2023  
( *Ghulam Sarwar Korai Vs. The State* )

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1. For Orders on office objection.
2. For Orders on MA No. 7025/2023 (Ex./A)
3. For hearing of Bail Application

**22-01-2024.**

Mr. Mehfooz Ahmed Awan, advocate a/w the applicant.  
Complainant Ali Gul Korai is present.  
Mr. Shafi Muhammad Mahar, DPG PG for the State.

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It is alleged that the applicant with rest of the culprits in furtherance of their common intention committed murder of Wasim Ali by causing him injuries with some hard blunt substance, for that the present case was registered.

The applicant on having been refused pre-arrest bail by learned Ist Additional Sessions Judge, Mirpur Mathelo has sought for the same from this Court by way of instant bail application under section 498-A, Cr.P.C.

It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant in order to satisfy his enmity with him; the FIR has been lodged with delay of about 15 days and very case at one moment was disposed of by the police under "B" class; therefore the applicant is entitled to be admitted to pre-arrest bail on point of further inquiry and malafide, which is opposed by learned DPG for the State and the complainant in person by contending that the applicant and others have committed the death of the deceased in very clever manner.

Heard arguments and perused record.

The FIR of the incident has been lodged with delay of about 15 days that too after having recourse u/s 22 A/B Cr. P.C. The

complainant is not an eye witness to the incident. As per postmortem report the death of the deceased was result of road traffic incident. On investigation at one moment, the very case was recommended by the police to be disposed of by the police under "B" class. 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 is made out.

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

Instant Bail Application is disposed of accordingly together with listed application.

Judge

Nasim/P.A