

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-611 of 2023

(*Sumair Ahmed @ Suamir Vs. The State*)

For Orders on office objection.

1. For hearing of Bail Application

**16-10-2023.**

Mr. Aftab Hussain Shar, advocate for the applicant.

Mr. Naeemuddin Chachar, advocate for the complainant.

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 objection, caused iron rod blow to complainant Gul Muhammad on his head and then went away by insulting him, for that the present case was registered.

2. The applicant on having been refused Pre-Arrest bail by learned IInd Additional Sessions Judge, Ghotiki, has 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 the record.

4. The FIR of the incident has been lodged with delay of about 05 days; such delay having not been explained plausibly could not be over looked. All the penal sections applied in FIR are bailable excepting one u/s 337A(ii) PPC, it is not falling within prohibitory clause. The parties are already disputed over possession of house. The case has finally been challaned and there is no apprehension of absconsion or tempering with the evidence on the part of the applicant. In these circumstances a case for grant of pre-arrest bail in favour of the applicant is made out on point of malafide.

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

6. The instant bail application is disposed of accordingly.

**Judge**

Nasim/P.A.