

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 2621 of 2023
(*Niaz Muhammad v. The State*)

Date	Order with signature of Judges
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For hearing of bail application

13.05.2024

Mr. Muhammad Moosa, advocate for the applicant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that the applicant with the rest of the culprits in furtherance of their common intention caused fire shot injuries to P.W Irshad on his legs to commit his murder, for which the present case was registered.

The applicant having been refused pre-arrest bail by learned VIIIth-Additional Sessions Judge, Karachi, Malir, has sought the same from this Court by making the instant bail application under section 498 Cr.P.C.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of about one day; such a delay could not be overlooked. There is a general allegation of the incident. The parties are already disputed over matrimonial affairs. Co-accused Dildar with the utmost similar role has already been admitted to post-arrest bail by the learned trial Court. No useful purpose thus would be served, if the applicant is taken into custody and then is admitted to bail on point of consistency.

In the case of *Muhammad Ramzan Vs. Zafarullah and another* (1986 SCMR-1380), it was held by the 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”.

Under given circumstances, the interim pre-arrest bail already granted to the applicant is confirmed on the same terms and conditions.

Instant bail application is disposed of accordingly.

J U D G E