

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 2858 of 2023
(Shahzad @ Kalli v. The State)
Criminal Bail Application No. 2887 of 2023
(Nazim Barkat Ali v. The State)
Criminal Bail Application No. 2880 of 2023
(Asif Ali v. The State)

Date	Order with signature of Judges
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For hearing of bail application

24.05.2024

M/s. Liaquat Ali and Fayyaz Ahmed, advocates for the applicants
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that the applicants with the rest of the culprits in furtherance of their common intention caused fists, kicks and iron rod blows to complainant Ali Akbar and then went away by committing mischief by causing damage to his car, for which the present case was registered.

The applicants having been refused pre-arrest bail by learned XIIth-Additional Sessions Judge, Karachi, East, have 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 names of the applicants do not appear in FIR, though it is lodged with a delay of about six days. All the penal sections applied in the case are bailable except one under Section 337-F(vi) PPC; the injury outcome of that penal section has not been attributed to either of the applicants specifically. The complainant as per the final challan has died of his natural death. The evidence of P.Ws Usman Ghan, Muhammad

Ashraf and Nizar has been recorded by the learned trial Magistrate; they have not implicated the applicants in the commission of the incident. There is no allegation of misusing the concession of interim pre-arrest bail on the part of the applicants. In these circumstances, a case for grant of the pre-arrest bail to the applicants on the point of further inquiry and malafide is made out.

In the case of *Meeran Bux vs. The State and another* (PLD 1989 SC-347), it is held by the Apex Court that;

“Accused remained on bail for more than one year without abusing the concession in any manner before the bail was cancelled by the High Court---Order of High Court cancelling pre-arrest bail granted to accused was set aside by the Supreme Court in circumstances”

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

Instant bail applications are disposed of accordingly.

J U D G E