

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Criminal Bail Application No. 590 of 2024

Applicants : (1). Ghulam Nabi s/o Mehar
(2). Imtiaz s/o Ghulam Nabi,
both through Mr. Haider Ali, Advocate

Respondent : The State, through
Mr. Siraj Ahmed Bijarani, APG.

Date of hearing : 21.06.2024
Date of order : 21.06.2024

ORDER

Zafar Ahmed Rajput, J:- Having been rejected their earlier pre-arrest bail application being No. 285 of 2024 by the Court of Sessions Judge, Tando Muhammad Khan, applicants/accused named above, through instant Criminal Bail Application have sought the same concession in Crime No. 67 of 2024, registered at P.S. Tando Ghulam Hyder under Sections 506 (ii), 341, 504/34, P.P.C. Applicants were admitted to interim pre-arrest bail by this Court vide order dated 31.05.2024, now they seek confirmation of their interim bail.

2. The allegations against the applicants are that, on 19.05.2024 at 1800 hours, they duly armed with pistols at Sim Nala, Moya Link Road, wrongfully restrained the complainant Aftab Ahmed, his brother Niyaz and nephew Ghulam Muhammad from going to their land, situated in Fateh Bagh and committed criminal intimidation by threatening the complainant party to cause death and they abused them; for that they were booked in the instant F.I.R.

3. After hearing the learned counsel for the applicants and APG, it appears that admittedly both the parties are in dispute of landed property. No independent eye-witness has been cited in the F.I.R., which is delayed by two days and three hours. No overt act has been attributed to any of the applicants, except that of criminal intimidation for life. The offences under section 341 & 504, P.P.C. are bailable, while offence under section 506 (2) being punishable

with imprisonment for seven years does not fall within prohibitory clause of section 497, Cr.P.C. Ordinarily, in such cases, the bail is to be granted as a rule. The present case does not fall within the exception laid down by the Apex Court in the case of *Tariq Bashir vs. The State* (PLD 1995 SC 34).

4. For the foregoing facts and reasons, the interim bail already granted to the applicants vide order dated 31.05.2024 is confirmed on the same terms and conditions.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicants on merits. However, in case the applicants misuse the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving them notice, in accordance with law

Cr. Bail Application stands disposed of.

JUDGE