

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD**

Cr. Bail Application No. S- 622 of 2024

DATED ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.
For hearing of main case.

12.08.2024

Applicant is present on interim pre-arrest bail.

Mr. Hemandas S. Sanghani, Advocate for applicant.

Ms. Sana Memon, Asst. Prosecutor General, Sindh for State.

Complainant is present in person.

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ZAFAR AHMED RAJPUT, J.- Through instant Cr. Bail Application, applicant Mumtaz Ali s/o Ibrahim seeks pre-arrest bail in crime No.47 of 2024, registered at police station Kadhan District Badin, under section 394, 109, 34 PPC. His earlier application for grant of pre-arrest bail being Cr. Bail Application No.754 of 2024 was rejected by the learned 2nd Additional Sessions Judge Badin, vide order dated 31.05.2024. The applicant was admitted to ad-interim bail by this Court, vide order dated 10.06.2024, now he seeks confirmation of his interim bail.

2. As per prosecution case, on 16.03.2024 at 2230 hours at Kadhan Badin main road, on the instigation of Mumtaz (applicant), co-accused Asghar Ali, Anwar Ali and Mehboob Ali had committed robbery of Rs.85,000/- and one Redmi 12 touch mobile from Niramal Das, the grandson of the complainant, and caused him injuries with the butt of the pistol who fell unconscious.

3. After hearing the learned counsel for the applicant as well as learned A.P.G. and perusing the material available on record with their assistance, it appears that there is delay of two (02) months and seven (07) days in lodging of F.I.R; hence, due deliberation and consultation before lodging the F.I.R cannot be ruled out. It further appears that even the applicant was not present at the spot and his name has not been taken by the injured PW Nirmal in his statement u/s 161 Cr.P.C, hence, the allegation against the applicant for sharing common intention requires further enquiry as envisaged under sub-section (2) of Section 497 Cr.P.C entitling him for grant of bail. Consequently, instant bail application

is allowed by confirming the interim pre-arrest bail granted to the applicant vide order dated 10.06.2024 on same terms and conditions.

4. 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 applicant on merits. In case applicant in any manner try to misuse the concession of bail, it would be open for the trial Court to cancel his bail after issuing him the requisite notice.

JUDGE

Hafiz Fahad