

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

Criminal Bail Application No.S-720 of 2024

DATE ORDER WITH SIGNATURE OF JUDGE

05.09.2024

Mr. Ghulam Farooque Abbasi advocate along with applicant.
Mr. Irfan Ali Talpur APG.

ZULFIQAR ALI SANGI, J.- Applicant seeks pre-arrest bail in Crime No.139/2024 registered at P.S. Husri/Pubban U/s 337-A(ii), 337-L(ii), 147, 148, 149, 504 PPC.

2. The contents of FIR need not to be reproduced as the same are already mentioned in the memo of bail application.

3. It is contended that applicant is innocent and has been implicated in this case falsely by complainant party with malafide intention; that complainant on the instruction of one Nadeem lodged FIR only to blackmail and harasses the applicant; that no independent witness is cited by the complainant though the alleged place of incident is situated in thickly populated area; that there is unexplained delay of about 21 days in registration of FIR; that the offences do not fall within the ambit of prohibitory clause of section 497 Cr.P.C. He lastly, prayed for confirmation of interim pre-arrest bail granted to the applicant.

4. The bail plea has been opposed by learned APG that applicant is nominated in the FIR with specific role; that the version of complainant is supported by medical certificate as well as witnesses, therefore, applicant is not entitled for grant of pre-arrest bail.

5. Heard learned counsel for the applicant and APG and perused the material available on record.

6. On perusal of FIR, it reflects that there appears delay of 21 days in registration of the same for which no plausible explanation has been furnished. Complainant is servant of one Nadeem against whom mother of applicant lodged FIR No.14 of 2024 of PS Women Hyderabad C.P Pabban in which Mst. Asma and Mst. Bakhtawar sister and niece of applicant are still abductee. Co-accused Sikander and Sajjad have already been granted pre-arrest bail by the trial court and bail application of present applicant was dismissed. The offences for which applicant is involved do not fall within the prohibitory clause of section 497 Cr.P.C.

All these facts make the case of applicant one of further inquiry entitling him for confirmation of interim pre-arrest bail.

7. Under such circumstances, the bail application is allowed and the interim pre-arrest bail already granted to the applicant vide order dated 05.07.2024 is hereby confirmed on the same terms and conditions.

JUDGE

Ali Haider