

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

Criminal Bail Application No.S-717 of 2024

DATE ORDER WITH SIGNATURE OF JUDGE

05.09.2024

Applicant present on bail.

Mr. Toqeer Hussain advocate holding brief for Mr. Dilbar Khan
Laghari advocate for applicants.

Mr. Irfan Ali Talpur APG.

ZULFIQAR ALI SANGI, J.- Applicants seek pre-arrest bail in Crime
No.136/2023 registered at P.S. Tando Adam City U/s 506/2, 447, 449, 34 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 the applicants are innocent and have falsely been implicated in this case with malafide intention and ulterior motives; that there is civil dispute between the victim of this offence with his brother Zahid Dero over which the official of police on the instance of alleged victim lodged such false FIR; in FIR, all the accused are unknown persons; however, they are named in challan charge sheet with malafide intention; that all the sections applied in the FIR do not fall within prohibitory clause whereas Section 506(ii) and 449 PPC are not attracted and has been misapplied by the police; that no any specific role has been assigned to the present applicants in the commission of alleged offence. He lastly, prayed for confirmation of interim pre-arrest bail granted to the applicants.

4. The bail plea has been opposed by learned APG that applicants are fully involved in the crime and they have occupied portion of the house of complainant forcibly; that the complainant took the pictures as well as recorded videos of the applicants through drone camera as well as pictures of the applicants were uploaded on Tik-tok by the applicants themselves; that it is also shown in the USB that police also raided at the portion of the house of complainant and present applicants were arrested but police on the instance of political influence have not shown their arrest in their record and after change of investigation, on the basis of evidence of modern devices, police have challaned them and shown them as absconders, therefore, applicants are not entitled for grant of pre-arrest bail.

5. Heard learned counsel for the applicants, complainant and APG and perused the material available on record.

6. On perusal of FIR, it reflects that there appears delay of 07 days in registration of the same even then none from the applicants is nominated and involving of the applicants on the basis of some pictures and videos will be determined by the trial court after recording evidence. There is civil dispute between the victim of this offence with his brother Zahid Dero. The offences for which applicants are involved do not fall within the prohibitory clause of section 497 Cr.P.C whereas for offence u/s 449 PPC tangible evidence is required which tentatively missing in the present case. All these facts make the case of applicants one of further inquiry entitling them 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 applicants vide order dated 04.07.2024 is confirmed on the same terms and conditions.

JUDGE

Ali Haider