

ORDER SHEET**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

Crl. Bail Application No.S- 07 of 2024

(Jahan Khan and another Vs. The State)

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1. For Orders on Office objection.
 2. For Orders on MA No. 50/2024. (Ex./A)
 3. For hearing of Bail Application

18-03-2024.

Mr. Achar Khan Gabole, Advocate for the applicants.

Mr. Muhammad Hanif Kalhoro advocate for the complainant.

Mr. Aftab Ahmed Shar, Additional P.G for the State.

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1. Over ruled.
2. Granted subject to all just legal exceptions.
3. It is alleged that the applicants with rest of the culprits in furtherance of their common intention by trespassing into house of complainant Allah Wassayo fired at him with intention to commit his murder, those fires hit to his mother Mst. Rani, she after sustaining such fires died and then they went away by insulting the complainant and making aerial firing to create harassment, for that the present case was registered.

The applicants on having been refused pre-arrest bail by learned IInd Additional Sessions Judge, Naushahro Feroze have sought for the same from this Court by way of instant bail application u/s 498-A, Cr.P.C.

Heard arguments and perused record.

The FIR of the incident has been lodged with delay of about one day; such delay having not been explained plausibly could not be over looked. The identity of the applicants under solar light bulb is appearing to be a weak piece of evidence. The fires admittedly were made at the complainant directly with intention to commit his murder, those have hit to his mother, which appears to be surprising. Moreso, complainant Allah Wassayo by filing his affidavit has recorded no objection to grant of pre-arrest bail to the applicants. The case has finally been challaned and 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 pre-arrest bail to the applicants on point of further inquiry and malafide obviously is made out.

In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

The instant Crl. Bail Application is disposed of accordingly.

Judge

Nasim/P.A