

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 669 of 2024

Date	Order with Signature of Hon'ble Judge
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For hearing of bail application

24.10.2024

Mr. Nusrat Hussain J. Memon, Advocate for Applicants
Mr. Shafi Muhammad Mahar, DPG for the State

ORDER

Zulfiqar Ali Sangi, J:- Through this bail application, the applicants Saddam Hussain alias Saddam, Ali Akbar Khan alias Akbar, Zahoor Ahmed alias Zahoor, Muhammad Rashid alias Rashid, Saindad Khan alias Saindad and Shabeer Ahmed alias Bashir, seek pre-arrest bail in the case arising out of FIR / Crime No.108 of 2023 registered under sections 337-A(ii), 337-A(i), 337-L(ii), 452, 114, 504, 147, 148 and 149 PPC at PS Khambra, District Ghotki, after their bail pleas was declined by learned Additional Sessions Judge/MCTC, Ubauro vide common order dated 20.11.2023.

The facts relating to bail applications in hand are already mentioned in FIR as well as memo, therefore, there is no need to reproduce the same.

It is contended by learned counsel for the applicants that the allegation as per FIR against the present applicants is that they caused injuries to the complainant and witnesses; there is delay of eight days in registration of FIR for which no plausible explanation has been furnished by the complainant; there is counter blast of the present incident for which one namely Abdul Wahid has got registered the FIR No.102 of 2023 at the same police station, wherein some of the accused have been granted bail; however, some of the accused have been refused bail by the trial Court; the offence as alleged in the FIR does not come within the prohibitory clause of Section 497, CrPC. He lastly contends that the applicants are entitled for the concession of pre-arrest bail.

Learned Deputy PG for the State opposed for grant of pre-arrest bail to the applicants by contending that delay has properly been explained as the complainant was busy in the treatment of injured persons

and the applicants are nominated in the FIR with specific role of causing injures to the injured.

Heard learned counsel for the applicants, learned DPG for the State and perused the material available on record. Admittedly, the incident took place on 01.11.2023, whereas, the FIR has been registered on 08.11.2023 and the contents of FIR itself reflect that after provisional medical certificate received on 01.11.2023, the FIR was registered; however, it is a fact that after receipt of provisional medical certificate, it was not registered. The offence in which the present applicants are booked does not fall within the prohibitory clause of Section 497 CrPC. Further, co-accused namely, Muhammad Nawaz, Abdul Wahid, Ghulam Murtaza alias Murtaza, Muhammad Ibrahim alias Ibrahim, Mushtaque Ahmed alias Mushtaque and Waryam have already been granted pre-arrest bail by this Court vide order dated 26.02.2024 and the case of present applicants is on same footings, hence, the applicants are also entitled for the same relief on the rule of consistency. It is also matter of record that some of the co-accused in FIR No.102 of 2023 registered at same police station by one of the nominated accused namely Abdul Wahid against the complainant of present case and others have been granted pre-arrest bail by this Court vide order dated 24.10.2024.

In view of the above, the instant bail application is allowed, consequently, the interim pre-arrest bail already granted to the applicants vide orders dated 03.10.2024 is hereby confirmed on same terms and conditions. The applicants are directed to attend the trial Court regularly.

Needless to mention that above observations are tentative in nature only to decide instant bail applications and same would not prejudice case of either party at trial.

Judge

ARBROHI