

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1116 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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| | 1. For orders on office objections. |
| | 2. For hearing of main case. |

13.01.2025

Applicants are present on bail.

Mrs. Razia Ali Zaman Patoli, Advocate for applicants.

Mr. Ayazuddin Samoo, Advocate for complainant.

Mr. Irfan Ali Talpur, Assistant Prosecutor General, Sindh.

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O R D E R

AMJAD ALI SAHITO, J:- Through this criminal bail application, the applicants are seeking confirmation of their pre-arrest bail in Crime No.202 of 2024 registered under sections 506, 504, 337-F(i), 337-A(i), 337-L(ii) and 337-F(vi) P.P.C at P.S Pinyari, after their earlier bail plea was declined by the learned II-Additional Sessions Judge, Hyderabad vide impugned order dated 24.09.2024.

2. The details and particulars of the F.I.R. are already available in the bail application and crime report, same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Per learned counsel the applicants / accused are innocent have falsely been implicated in this case; that allegation against the applicants are general in nature no specific injury has been attributed to them with commission of alleged offence; that FIR is delayed about 23 days to which no plausible explanation has been furnished by the complainant; that there is dispute between the brothers over the property hence false implication cannot be ruled out at this stage. She also invited attention of the Court at page-69 of the Court file wherein the applicant / accused No.1 Muhammad Sadiq also moved the application for registration of FIR. Lastly, she submits that now the case has been challaned and the applicants / accused are no more required for further investigation.

4. On the other hand, learned Assistant Prosecutor General, Sindh as well as learned counsel for complainant vehemently opposed the confirmation of bail to the applicants / accused.

5. Heard and record perused.

6. From perusal of record it reflects that the allegation against the applicants / accused are general in nature and FIR is delayed about 23 days to which no plausible explanation has been furnished by the complainant. Furthermore there is dispute in between the parties over the property and both the parties had received the injuries, as such, learned counsel for applicants also pleaded malafide on the part of complainant by contenting that after managing the medico-legal certificate, he has registered the FIR otherwise they had also approached the police station for registration of FIR but condemned unheard on the pretext of complainant that matter will be settled outside the Court but subsequently he with malafide intention and ulterior motives lodged the FIR, therefore, the case of applicants becomes the case of further inquiry in terms of sub-section (2) of section 497 Cr.P.C. At bail stage only tentative assessment is to be made, therefore, learned counsel for the applicants has made out case for confirmation of interim pre-arrest bail, resultantly bail application is **allowed** and ad-interim pre-arrest bail earlier granted to applicants vide order dated 11.10.2024 is confirmed on the same terms and conditions. The

applicants/accused are directed to attend the learned Trial Court regularly if they fail to appear the Trial Court would be at liberty to take actions against them in accordance with law.

7. Needless to mention here that the observations made hereinabove are tentative in nature would not prejudice the case of either party at trial.

*Muhammad Danish**

JUDGE