

ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Misc. Application No.S-130 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

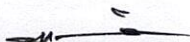
1. For orders on office objection "A".
2. For orders on M.A.No.2187/2020 (E/A).
3. For hearing of main case.

22.10.2020

Mr. Ali Anwar Kandhro, Additional Prosecutor General,
Sindh.

Neither the applicant is present nor his counsel. This application for cancellations of bail has been filed on 15.06.2020; intimation notice was issued to the counsel for the applicant. With the assistance of the learned Additional Prosecutor General, I have perused the order dated 04.06.2020, passed by learned Ist Additional Sessions Judge/Model Criminal Trial Court, Shikarpur, whereby the concession of bail has been granted to the respondents/accused mainly for the following reasons:


- “1. Applicants/accused named above are on interim pre-arrest bail. Today, it is fixed for confirmation or otherwise.
2. I have given full audience to the parties and have gone through the material placed on record.
3. In case Re-Muhammad Siddique v/s. The State and others reported in PLD 2014 SC 438, detail of the facts of case have not been mentioned.
 - (i). That incident said to have happened on 21.02.2020 while F.I.R. was lodged on 27.04.2020. It means F.I.R. was lodged with inordinate delay for more than 2 months.
 - (ii). That there are general allegations assigned to all accused in the commission of alleged offence and no specific role has been assigned to any of the applicant/accused.
 - (iii). That there is dispute between the parties over ancestral property.



- (iv). That co-accused 1. Mumtaz Ali, 2. Imtiaz Ali, 3. Allah Dino, 4. Khamiso, 5. Daim Ali and 6. Ghulam Mustafa have already been admitted on pre-arrest bail by this Court vide order dated 20.05.2020, hence, case of applicants/accused is identical to co-accused and rule of consistency is very much applicable to the case of applicants/accused.
- 4. On the basis of rule of consistency, interim pre-arrest bail earlier granted to applicants/accused 1. Muhammad Moosa @ Muhammad Mour and 2. Ismail both by caste Pahore, vide order dated 28.04.2020, by the Court of learned 3rd Additional Sessions Judge, Shikarpur, is hereby confirmed on same terms and conditions with specific directions to applicants/accused to appear before the trial Court on each and every date of hearing till the case is finally disposed of in accordance with law.
- 5. Instant application stands allowed.”

Learned Additional Prosecutor General for the State has supported the I.O and submits that sound reasons have been assigned by the learned Trial Court while granting bail to the accused.

Applicant and his counsel are called absent. I have also gone through the grounds taken in the application for cancellation of the bail. No case for cancellations of bail is made out. Application for cancellation of bail is dismissed in limine alongwith the listed application; however, Trial Curt is directed to decide the case expeditiously.


 Judge 22/10