

threats of grave consequences to intimidate and coerce the complainant party.

3. Learned counsel for the applicants/accused submits that the applicants were initially granted interim pre-arrest bail by the learned Additional Sessions Judge, Moro, through an order dated 03.09.2024. However, the said relief was subsequently recalled by an order dated 20.09.2024, solely on the ground that the applicants had allegedly failed to join the investigation during the intervening period of 17 days. It is further contended that the investigation diary entries dated 03.09.2024, 10.09.2024, and 11.09.2024, duly maintained by the Investigating Officer (IO), categorically reflect that the applicants remained present while on bail. Learned counsel has produced copies of these investigation diaries before this Honourable Court and submits that there is no element of mala fide on the part of the applicants. It is further argued that the FIR was lodged after an unexplained delay of three days, which casts serious doubt upon the veracity of the prosecution's version. Additionally, learned counsel contends that the applicants were not involved in the offences alleged in the FIR and that the nature of the offence does not attract the prohibitory clause of Section 497 Cr.P.C.

4. The learned Deputy Prosecutor General has conceded to the confirmation of pre-arrest bail for the applicants/accused.

5. Having heard the learned counsel for the respective parties and having perused the record available before me, I proceed to determine the matter accordingly.

6. Upon a meticulous examination of the record, it is evident that the investigation diary entries dated 03.09.2024, 10.09.2024, and 11.09.2024, duly maintained by the Investigating Officer (IO), unequivocally establish that the applicants/accused remained present while on bail, thereby confirming their participation in the investigative process. FIR was lodged after an unexplained delay of three days, which raises a serious presumption of afterthought,

deliberation, and possible fabrication, thereby undermining the credibility of the case of prosecution case. *Vigilantibus non dormientibus jura subveniunt*—the law aids the vigilant, not those who sleep on their rights.

7. Furthermore, the offence punishable under Section 215 PPC is categorically bailable, whereas the offence under Section 381-A PPC, though carrying a maximum punishment of seven years, does not fall within the prohibitory clause of Section 497 of the Cr.P.C. In the absence of any aggravating circumstances justifying refusal, the fundamental principle of bail jurisprudence dictates that where the prescribed punishment does not attract the prohibitory clause, the grant of bail remains the rule, and its refusal stands as an exception. *Lex favet doti*—the law favours liberty.

8. Additionally, there is no material on record to suggest that the applicants/accused have in any manner misused the concession of interim pre-arrest bail previously granted to them. The settled principle of law, as enunciated by the Honourable Supreme Court in *Muhammad Tanveer v. The State & Another (PLD 2017 SC 733)*, reinforces that in cases not falling within the prohibitory clause, bail is to be granted as a matter of right unless exceptional circumstances exist to warrant its denial.

9. In view of the foregoing discussion, the applicants/accused have successfully established a case for the grant of post-arrest bail in terms of Section 498 Cr.P.C. Accordingly, the instant bail application is allowed, on the same terms and conditions of previous interim pre-arrest bail dated 07.10.2024.

10. It is imperative to clarify that any observations made herein are of a tentative nature and shall not, in any manner, prejudice or influence the trial court in its determination of the case on merits.

J U D G E