

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No.S-602 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection(s). 2. For hearing of main case.

17.06.2025.

Mr. Noor-ul-Zamaan Hingorjo, Advocate for applicants/accused.

Mr. Kamran Baig, Advocate for complainant.

Mr. Irfan Ali Talpur, Deputy Prosecutor General for the State.

ORDER

Amjad Ali Sahito, J:- Through the instant Bail Application, applicants/accused Zulfiqar Ali & Waqar Ali are seeking pre-arrest bail in crime No.169/ 2025 registered at Police Station A-Section Latifabad Hyderabad, for the offence under Sections 506(ii), 447, 147, 148, 149, 504-PPC. Earlier their pre-arrest bail pleas were declined by the learned Additional Sessions Judge-I, Hyderabad vide order dated 29.05.2025 and their interim relief was recalled.

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

3. The learned Counsel for the applicants/accused argued that the applicants/accused are innocent and they have falsely been implicated in this case. He has further contended that in fact the present applicants/accused have falsely been implicated in this case, however, they have no concern with the story narrated by the complainant, which is false & fabricated. He further submits that the FIR is delayed for about 08 days without any plausible explanation, which also creates serious dent in the

prosecution story. He lastly prayed for confirmation of bail to the applicants.

4. On the other hand, learned Counsel for complainant as well as learned Prosecutor vehemently opposed for confirmation of bail and prayed for dismissal of the bail plea.

5. Heard & perused the record.

6. Admittedly, the offences for which the applicants/accused are charged do not fall within prohibitory clause of Section 497 Cr.P.C. Grant of bail in such like cases is a rule and refusal is an exception as held in the case of **Tariq Bashir & 5 others v. The State** (PLD 1995 SC 34). Furthermore, the allegations against the applicants/accused are that on the day of alleged incident, they had issued threats for dire consequences, however, such allegations are denied by the applicants/accused. Learned counsel for the applicants has made out a case for further enquiry in terms of subsection (2) of section 497, Cr.P.C. It is the well-settled principle of law that at the bail stage only a tentative assessment is to be made.

7. Consequently, instant bail application is allowed. The interim pre-arrest bail granted to the applicants/accused by this Court vide order dated 02.06.2025 is hereby **confirmed** on the same terms and condition. The applicants/accused are directed to attend the trial Court regularly. If the applicants/accused fail to appear before it, the trial Court would be at liberty to take action against them in accordance with law.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE