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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
1st Cr. Bail Appln. No. S-513 of 2020.

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection as flag A.
2. For hearing of main case.

28.12.2020.

Mr. Ghulam Yaseen Junejo, advocate alongwith applicants (on bail).

Mr. Aitbar Ali Bullo, D.P.G.

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Through instant application, the applicants seek their admission on pre arrest bail in Crime No.66 of 2020 of P.S Qubo Saeed Khan registered for an offence under Sections 454, 337-A-I, F-I, 506(2), 114, 34 PPC. The bail plea raised by applicants before first forum has been declined by learned 1st Additional Sessions Judge, Shahdadkot vide its order dated 30.9.2020. Hence this application.

Since the the facts of case are already mentioned in the order dated 30.9.2020, which are part and parcel of the Court file, therefore, no need to repeat the same.

Learned counsel for the applicants submits that case against applicants is false one. Besides the FIR is delayed for about 20 days though the distance between the place of wardat and Police Station is 15/16 k.ms. He next submits that all the sections applied in the FIR are bailable except 506/2 PPC which carries maximum punishment upto seven years. He, therefore, prays for confirmation of bail.

In view of above position learned D.P.G does not oppose the bail application.

Admittedly the FIR is delayed for about 20 days for which no plausible explanation has been furnished by the prosecution. The delay in criminal cases has been deprecated by the superior Courts. All the sections

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applied in the FIR are bailable except Section 506(2) PPC. If the prosecution, after recording evidence, may succeed to prove its charge against the accused even then, the case, which is being tried by Judicial Magistrate, punishment for more than three years can not be visualized. As stated, the case has been challaned by the police which is also pending trial before the Court of Judicial Magistrate-I, Shahdadkot vide Cr. Case No.80 of 2020 re; State v. Abdul Ghani and others. No complaint with regard to tampering with the prosecution evidence or misuse of the concession extended to the applicants has been urged.

Accordingly and in view of above, case against applicants is covered by subsection 2 of Section 497 Cr.P.C. Consequently instant bail application is hereby allowed. Interim bail granted to them on 06.10.2020 is hereby confirmed on same terms and conditions. Applicants are directed to confirm their appearance before the trial Court till final decision of main case.

JUDGE