

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cr. Bail Appln. No S-07 of 2024.

Date of hearing

Order with signature of Judge

Applicants

Ali Gohar Chandio & 08 others , through Mr. Lal Shah,
Advocates along with Applicants(on bail)

The State

Through Mr. Ali Anwar Kandhro, Addl. P.G.

Date of hearing

11.03.2024

Date of Order

11.03.2024.

O R D E R.

Muhammad Saleem Jessar, J.- Through this application, applicants Ali Gohar, Mukhtiar, Tariq, Salar, Rafique, Nizamuddin, Imtiaz, Shabeer and Sadam, all by caste Chandio, seek their admission on pre-arrest bail in Crime No.363 of 2023 of P.S K.N Shah, District Dadu, registered under Sections 506/2, 440, 147, 148, 149, 504, 149, PPC. Applicants filed anticipatory bail application vide Cr. Bail Appln. No.3000 of 2023 before the Court of Sessions Judge, Dadu, which after hearing the parties was dismissed by the learned Additional Sessions Judge-II, Mehar vide order dated 19.12.2023, hence this application has been maintained

2. Facts of the case of prosecution are already mentioned in detail in the impugned order as well as memo of bail application, therefore, same need to be reproduced hereunder

3. Learned Counsel for the applicants under the cover of his statement of today's date places on record a copy of case diary dated 17.2.2024 issued by II-Civil Judge & Judicial Magistrate, KN Shah/trial Court, taken on record. He submits that the offences with which the applicants have been charged do not carry punishment, which may exceed the limits of prohibitory clause of Section 497, Cr.P.C. and submits that the case against the applicants requires further enquiry. He further submits that the parties are already on disputed terms with each other and that the prosecution has been motivated against the applicants only to malign their reputation and to exert pressure upon them; hence prays for confirmation of interim pre-arrest bail granted earlier to the applicants.

4. Learned Addl. P.G. does not oppose and concedes for confirmation of ad-interim pre-arrest bail already granted to the applicants.

105

5. Process issued against complainant has been returned duly served; however, complainant is called absent.

6. No doubt the applicants are nominated in the FIR; however, the offences with which they have been charged, carry maximum punishment of seven years, thus does not exceed the limits of prohibitory clause of Section 497, Cr.P.C. The case has been challaned, which is now pending for trial before the Magistrate. In case after recording evidence the prosecution may succeed to prove the charge against the applicants, even then punishment of more than three years cannot be visualized. No complaint with regard to misuse the concession of interim pre-arrest bail has been brought on record. In the circumstances and in view of dicta laid down by the learned Apex Court in the case of *Muhammad Tanveer v. The State* (PLD 2017 SC-733), case against the applicants requires further enquiry within the meaning of sub-section (2) of Section 497, Cr.P.C. Consequently, instant bail application is hereby allowed. Resultantly, interim pre-arrest bail earlier granted to the applicants vide order dated 02.01.2024 is hereby confirmed on same terms and conditions.

7. Needless to emphasize that observations made hereinabove shall not influence the trial Court while deciding the fate of main case after recording pro and contra evidence of the parties.

JUDGE

Application in O/U matter

Qazi Tahir/

1. For order on M-A A/D: U413/25 (UA)
2. For Order on M-A N.O. U414/25 (SBA)

Accommodation Report is as flag A