

ORDER SHEET

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

1st. Cr. B.A.No. S- 687 of 2023

Date	Order with signature of Judge
	1. For orders on office objection -A.
	2. For hearing of bail application.

07.12.2023.

Mr. Muhammad Afzal Jagirani, advocate a/w applicants (on bail)
Mr. Ali Anwar Kandhro, Additional Prosecutor General, Sindh
Complainant Madad Ali Shah, is present in person.

ORDER

Process issued against the complainant has been returned by ASI-Police Station Dokri, duly served, taken on record. At the very outset learned counsel for the applicants submits that complainant who is victim besides the injured namely Asamatullah is his son have settled down their dispute outside the court therefore, he has no objection, if, the applicants are admitted to bail. Complainant Madad Ali shah bearing CNIC No.4320115241419, affirms the contention and records his no objection for grant of bail learned APG in view of the statement made by the complainant himself before the Court has also no objection.

Admittedly the FIR is delayed for a month for which no plausible explanation has been furnished by the prosecution for such an inordinate delay. The delay in criminal cases has always been deprecated by the superior courts and has been held to be fatal for the prosecution case. The section 395 PPC provides two punishments and following the dictum laid down by the Superior Courts lesser quantum of sentence is to be considered at bail stage while remaining sections are compoundable and does not exceed limits of prohibitory clause of section 497 Cr.PC. The case has been challaned and the applicants are no more required by the police for purpose of any investigation. Accordingly and in view of above case against the applicants requires further inquiry. Consequently instant bail application is hereby allowed. Interim pre-arrest bail granted to applicants vide order dated 20.11.2023 is hereby confirmed on same terms and conditions.

JUDGE

S-Ashfaq/