

45

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
1st Crl. Bail Appln. No.S-218 of 2025.

Date _____ Order with signature of Hon'ble Judge _____

1. For orders on office objection.
2. For hearing of Bail Application.

Applicant : Zeeshan Ali Sohu
Through Mr. Ghulam Ali Abbasi, Advocate.

The State : Through Mr. Ali Anwar Kandhro, Addl. P.G.

Date of hearing : 26.05.2025.
Dated of Order : 26.05.2025.

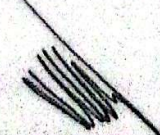
ORDER

Applicant Zeeshan Ali son of Raza Muhammad Sohu has filed this application seeking his admission on pre-arrest bail in crime No.114 of 2025, registered under sections 457, 381-A, 380, 34, PPC at PS Kamber City. His application seeking such relief was declined on 18-4-2025 by the Sessions Judge, Kamber-Shahdadkot at Kamber.

2. The background to this case is that on 27-3-2025, at about 1500 hours, complainant Abdul Jabbar Kumbhar lodged the aforementioned F.I.R. narrating therein that on said date, at about 0400 hours, the applicant/accused along with two unidentified accomplices committed theft of a water motor along with 2-batteries from his car parked situated near Zam Zam Marriage Haal, Kamber; hence, the complainant registered FIR.

3. Heard. Record perused.

4. Learned counsel for the applicant contended that the applicant is innocent and he has been falsely implicated in this case under suspicion; that the parties have settled down their differences outside the Court; hence, the complainant having appeared before the Court below had recorded no objection through his Counsel for grant of pre-arrest bail to the applicant, but was not considered. He, therefore, submits that by granting instant bail application, the interim pre-arrest bail already granted to the applicant may be confirmed.



4. Learned Addl. P.G., does not oppose the bail application.

5. Since the complainant, who himself is the victim of the alleged offence, recorded no objection before the Court below, there does not remain any justification to refuse concession of bail in the instant case, for the simple reason that at trial the prosecution shall have to rely upon his(complainant's) testimony for the purpose of proving the charge against the accused. As far merits of the case are concerned, the alleged incident occurred on 27.03.2025 at 04.00 a.m., when it must dark hours nearing the dawn; as such, identification of the applicant by the complainant with full particulars without disclosing source whether he was previously known to the complainant or otherwise, needs to be proved at trial. Besides, the 11 hours' delay in lodgment of FIR also leaves an adverse impact on the prosecution case. The case is to be tried by the Court of Judicial Magistrate, where if the prosecution may succeed to prove the charge against the accused even then punishment of more than 03 years cannot be visualized.

7. Accordingly and in view of above, the interim pre-arrest bail already granted to the applicant is hereby confirmed on same terms and conditions.

JUDGE