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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

1<sup>st</sup> Cr. Bail Appln. No.S- 219 of 2025

Date of hearing	Order with signature of Judge.
	1. For orders on office objection. 2. <u>For hearing of bail application.</u>
Applicants	Aijaz Ali Depar & others, through Mr. Muhammad Ali Kandhro, Advocate a/w applicants (on bail).
The State	Through Mr. Ali Anwar Kandhro, Addl. P.G.
Complainant	Ali Asghar Depar (CNIC No.41205-4169914-1) present in person.
Date of hearing	<u>26.05.2025.</u>
Date of Decision	<u>26.05.2025.</u>

ORDER

Muhammad Saleem Jessar, J.- Through this application, applicants Aijaz Ali, Ghulam Murtaza, Sabir Hussain, Ali Murtaza and Nisar Ahmed, all sons of Muhammad Hassan, by caste Depar, seek their admission on pre-arrest bail in Crime No.16 of 2025, registered at P.S Faridabad, District Dadu, under Section 397, PPC. The applicants preferred their bail plea before the Court below, which by means of order dated 26.04.2025 was declined by the learned Additional Sessions Judge-I, Mehar; hence, this application has been maintained.

2. Per prosecution case, on 24.03.2024, at about 4.00 p.m. time, the applicants along with 05 other unidentified co-accused being armed with deadly weapons forcibly took away the wheat crop weighing 30 maunds of the complainant worth Rs.75000/-, lying in his agricultural land bearing survey No.62 & 238, situated in Deh Ostelo. Hence, such FIR was lodged by the complainant on 11.04.2024.



3. At the very outset, learned Counsel for the applicants submits that the parties have settled down their differences outside the Court; hence, the complainant, who is present in person before the Court, has extended no objection for grant of this bail application; hence, submits that by granting instant bail application, the interim pre-arrest bail already granted to the applicants may be confirmed.
4. Learned Addl. P.G., does not oppose the bail application.
5. Complainant Ali Asghar Depar present in person affirms the contention of learned Counsel for the applicants and states that he has no objection for grant of this bail application.
6. Since the complainant, who himself is the victim of the alleged offence, being present has recorded no objection on the ground that on the intervention of nekmards of the vicinity he has settled down the differences with the accused, therefore, has no objection if instant bail application is allowed. As far merits of the case are concerned, the alleged incident occurred on 24.03.2025 whereas FIR was lodged on 11.04.2025 i.e. with the delay of 18 days, for which no plausible explanation furnished by the prosecution. The delay in lodgment of FIR has always been held by the superior Courts to be fatal for the prosecution case. Hence, it requires further enquiry.
7. Accordingly and in view of no objection extended by the learned Addl. P.G. as well as the complainant, the interim pre-arrest bail already granted to the applicants is hereby confirmed on same terms and conditions.

JUDGE