

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-1272 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objections.

For hearing of main case.

13.01.2021

Mr. Abdul Shakoor Keerio, advocate along with applicant.

Ms. Sobia Bhatti, A.P.G for the State.

Mr. Ghulam Asghar Mirbhar, advocate for complainant.

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Irshad Ali Shah, J:- It is alleged that the applicants with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object caused injuries to PWs Sudheer Ali and Muhammad Ali with hatchet and lathies and then went away by insulting complainant Ranjhan, for that the present case was registered against them.

2. The applicants on having been refused pre-arrest bail by learned 3rd Additional Sessions Judge, Shaheed Benazirabad have sought for the same from this Court by way of instant bail application u/s 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy its grudge with them over possession of fish pond; the FIR has been lodged with delay of about eight days and there is counter version of the incident. By contending

so, he sought for pre-arrest bail for the applicants on point of further enquiry and malafide.

4. Learned counsel for the complainant has recorded no objection to grant of pre-arrest bail to the applicants. However, learned A.P.G. for the State has recorded objection to grant of pre arrest bail to the applicants by contending that they are named in FIR with specific role.

5. I have considered the above arguments and perused the record.

6. The FIR of the incident has been lodged with delay of about eight days; such delay having not been explained plausibly could not be overlooked. There is counter version of the incident. Which party is aggressor and which party is aggressed upon, it requires determination at trial. The parties are disputed over fish pond. The case has finally been challenged. The applicants have joined the trial. In these circumstances, case for grant of bail to the applicants on point of further inquiry and malafide obviously is made out.

7. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

8. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa.