

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-519 of 2023

(*Sanaullah Mubejo & others Vs. The State*)

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

**23-10-2023.**

Mr. Muhammad Shakeel Lakho, advocate for the applicants.  
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

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**Irshad Ali Shah, J;-** It is alleged that the applicants by making trespass into the house of complainant Muhammad Bilal, after keeping him and his witnesses under fear of death, robbed them of their motorcycle, gold ornaments and cash worth Rs. 700,000/-, for that the present case was registered.

2. The applicants on having been refused Pre-Arrest bail by learned IInd Additional Sessions Judge, Naushahro Feroz, have sought for the same from this Court by way of instant bail application under Section 498-A Cr.P.C.

3. Heard arguments and perused the record.

4. The FIR of the incident has been lodged with the delay of more than one month; yet it does not contain the names and descriptions of the applicants; those have been disclosed by the complainant subsequently by way of further statement, which could hardly be treated as a part of FIR; the case has finally been challaned; the applicants have joined the trial and there is no allegation of misusing the concession of interim pre-arrest bail on

their part. Moreso, co-accused Muhammad Zaman and Ajab Ali have now been admitted to bail after their arrest by learned trial Court. In these circumstances, no useful purpose would be served, if the applicants are taken into custody and then are admitted to bail on point of consistency.

5. In case of Muhammad Ramzan Vs. Zafarullah & others (1986 SCMR 1380), it has been held by Apex Court that;-

*“no useful purpose was likely to be served, if bail of accused (respondent) was cancelled on any technical ground because, after arrest he could again be allowed bail on the ground that similarly placed other accused were already on bail”.*

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

7. The instant bail application is disposed of accordingly.

**Judge**

Nasim/P.A.