

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

**Crl. Bail Application No. S- 154 of 2019**

Ali Sher and others.....Applicants

Versus.

The State..... Respondent

For Hearing of bail application.

Mr. Shamsuddin N. Kobhar Advocate along with applicants.

Mr. Sundar Khan Chachar Advocate for the complainant.

Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

**Date of hearing:** 26-03-2019

**Date of decision:** 26-03-2019

**ORDER**

**ZAFAR AHMED RAJPUT J.,** Through instant Crl. Bail Application, applicants/accused Ali Sher, shah Nawaz, Mansoor, Noor Hassan, Ajno, Rasool Bux, Bahadur Ali, Ali Gul, Shahan, Muneer, Fayaz and Ikram all by caste Qazi seek pre-arrest bail in Crime No. 08 of 2019 registered at P.S, Pano Akil Cantt under Sections 364, 511, 114, 354, 336, 337H(2), 504 & 506/2 P.P.C. The applicants were admitted to ad-interim bail by this Court vide order dated 06.03.2019, now they seek confirmation of the same.

2. Briefly stated, the facts of the case, as narrated in the FIR, lodged on 15.02.2019 by complainant Mst. Najma, are that on her love marriage with Zahid Hussain, the applicants were annoyed; that on 15.02.2019 complainant along with PWs was available inside her house, when at about 4.00 p.m, applicants entered into the house with deadly weapons and on the instigation of applicant Ali Sher, applicant Ajno dragged her, on that she raised cries which attracted her husband Zahid Hussain and brothers-in-laws, Pehlwan, Muhammad Ramzan and in result whereof, her shirt was torn from front side; that the applicants after making aerial firing set the straw made shade on fire

and went away while using abusive language and issuing threats of murder.

3. After hearing learned counsel for the applicants, complainant, DPG and perusing the material available on record, it appears that after conducting investigation, I.O submitted his report for disposal of F.I.R under cancellation class under 'C' class of Police Rules, but the Judicial Magistrate concerned by declining the report took the cognizance of the offence vide order dated 13.03.2019. It also appears that the it is a day time incident, but there is no independent witness of the incident. All the offences except offences under Sections 364 and 354 P.P.C are either bailable or do not fall within prohibitory clause of Section 497 Cr.P.C. So far applicability of Sections 364 and 354 P.P.C is concerned, it is yet to be determined by the trial Court after recording evidence. Hence, guilt of the applicants falls within the ambit of further enquiry. The applicants were admitted to ad-interim pre-arrest bail by this Court vide order dated 06.03.2019 and before that, they were granted interim pre-arrest bail by learned Additional Sessions Judge, Pano Akil in Crl. Bail Application No. 320 of 2019, which was subsequently recalled by him, however, there is no complaint with regard to misusing of ad-interim bail by the applicants. Accordingly, interim pre-arrest bail earlier granted to the applicants vide order dated 06.03.2019 is confirmed on same terms and conditions.

4. Needless to mention here that the observations made hereinabove being tentative in nature would not effect the case of either party.

**JUDGE**