

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

Crl. Bail Appln. No. S- 539 of 2020.

Date of hearing	Order with signature of Judge
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28.12.2020.

1. For orders on office objections.
2. For hearing of bail application.

Mr. Aitbar Ali Bullo, Deputy Prosecutor General.

Applicant is present in person; however his counsel is busy before Sukkur bench as intimated by Mr. Muhammad Ali Pirzada, Advocate. Notice issued to the complainant is returned with endorsement that complainant has been nominated in F.I.R No.28/2020 of P.S Kety-Mumtaz and he is absconding.

Mr. Muhammad Ali Pirzado, Advocate holding brief for counsel for the applicant submits that the role against applicant is of only instigation, besides the complainant of this case, as reported by police, is absconding, therefore, there is no likelihood of early appearance of complainant, and this being pre-arrest bail application requires urgent hearing, he therefore, submits that interim pre arrest bail already granted to applicant may be confirmed.

Learned D.P.G. in view of above position does not oppose the bail application.

No doubt, the applicant is nominated in F.I.R, but role attributed to him is of instigation, which is yet to be proved by the prosecution after recording evidence of its witnesses. Complainant is reported to be fugitive from law, therefore, there is no likelihood of early commencement of the trial and proceedings of instant bail application. It is settled law that one cannot be detained or hanged for indefinite period without progress in the trial. The role of causing firearm injuries to deceased is assigned to co-accused. Accordingly, instant bail application is allowed and interim pre-arrest bail already granted to applicant vide order dated 19.10.2020 is hereby confirmed on same terms and conditions.

Judge

Ansari