

(u3)

ORDER SHEET

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

1st Cr. Bail Appln. No. S- 162 of 2022.

Date	Order with signature of Hon'ble Judge
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For hearing of bail application.

23.5.2022.

Mr. Atta Hussain Qadri, advocate for the applicant alongwith applicant on bail

Mr. Ali Anwar Kandho, Addl. P.G.

ORDER.

MUHAMMAD SALEEM JESSAR-J: - Through this application, applicant Ali Muhammad seeks pre arrest bail in Crime No. 10 of 2022 registered with P.S Lakhi Ghulam Shah for offence under Section 381-A PPC.

Complainant is present in person and submits that his counsel due to ailment is not in attendance however, seeks date.

Counsel for the applicant submits that the co-accused having identical role has been granted post arrest bail by the trial Court /Judicial Magistrate Lakhi Ghulam Shah on 24.02.2022 and said order has not been assailed by the complainant which attained finality. He therefore, submits that that rule of consistency will apply in this case and he may also be admitted to pre arrest bail.

Learned Addl. P.G in view of above legal position does not oppose, however, the complainant present in person opposes bail application.

Admittedly the offence has taken place in odd hours of the night when nobody was there to witness its happening. Case is being tried by Judicial Magistrate Lakhi Ghulam Shah where after recording evidence of prosecution witnesses if prosecution may succeed in proving

charge against accused even then the punishment of more than 3 years can not be visualized. The co-accused who has been bailed out by the trial Court has not been assailed by the complainant and in the circumstances if the applicant may be put behind bars tomorrow again he will be bailed out on same footings. In the circumstances and in view of dicta laid down honourable Supreme court in the case reported in 1986 SCMR 1380, applicant has made out good *prima facie* case for concession of bail under subsection 2 of Section 497 Cr.P.C. Consequently this bail application is hereby allowed. Interim bail granted to the applicant is confirmed on same terms and conditions. Applicant is directed to continue his appearance before the trial Court till final decision of main case. The trial Court is also directed to ensure early conclusion of the trial under intimation to this Court through Additional Registrar of this Court.

JUDGE

shabir