



It was however submitted by the learned counsel that the applicants, also present in Court, would be satisfied if this pre arrest bail application may be converted into a protective bail application and the trial court be directed to pass appropriate orders in due consonance with the law.

Learned counsel demonstrated from the record that in identical circumstances, in a matter arising from the same crime, a Division Bench of this Court had granted the application of protective bail, vide order dated 26.06.2018 in CP D-4821 of 2018. It was contended that the case of the present applicants is on better footings of than that of applicant in the aforesaid matter as the applicant therein was an accused in the crime under discussion whereas the names of the present applicants are not even mentioned in the F.I.R.

We have given due consideration to this matter and are of the view that mere issuance of notice on a pre-arrest bail application does not address the issue of bail at all and on the contrary exposes the applicant to arrest prior to determination of whether the said applicant was entitled to the concession of pre-arrest bail or otherwise.

It was held in the case of *Dr. Ghulam Murtaza and Another vs. The State* reported as 2004 PCrLJ 917 that “Initially if a notice is issued on bail before arrest application, in normal circumstances the applicant is enlarged to interim bail. There is reported judgments to this effect that the application for bail before arrest is admitted for hearing the applicants are normally granted interim bail”.

The ratio of the case of *Saleh alias Muhammad Saleh vs. The State* reported as SBLR 2007 Sindh 1403 is squarely applicable to the present facts and circumstances herein and the said judgment maintained that “It may be observed that bail before arrest applications are of urgent nature and interim pre-arrest bail is usually granted till application is heard on merits”.

In view of the foregoing the nature of the present proceedings is hereby converted from a pre arrest bail to a protective bail, in the manner sought by the applicants.

Without touching the merits of the case, the applicants Muhammad Nasir, Muhammad Raheel Mubin and Christopher D. Cruz are admitted to protective bail for a period of 07 days from today on furnishing solvent surety in the sum of Rs.200,000/- (Rupees two lac only) each and P.R. Bond in the like amount to the satisfaction of the Nazir of this Court. This order shall remain operative only for 07 days from today viz. 18.07.2018 and shall cease to exist on 24.07.2018 after Court hours or before it when the applicants surrender before the court concerned, whichever is earlier. In case the applicants fail to surrender before the trial court within the above period, then their bail bond shall stand forfeited.

The bail application stands disposed of in above terms.

JUDGE

JUDGE

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