

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-805 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection
- 2. For hearing of main case.

19.08.2019.

Mr. Altaf Shahid Abro, advocate along with applicants.
Ms. Safa Hisbani, A.P.G.
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Irshad Ali Shah J;- It is alleged that the applicants with rest of the culprits caused hatchet and Danda blows to PW Piyaro and then went away by insulting and threatening complainant Jumu and others for that the present case was registered.

2. The applicants on having been refused pre arrest bail by the learned Sessions Judge, Tharparkar at Mithi have sought for the same from this court by way of instant application under Section 498 Cr.P.C.

3. It is contended by the learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party in order to satisfy their enmity with them over matrimonial affairs; the FIR has been lodged on 3rd day of the incident and co-accused Raheem and four others have already been admitted to pre-arrest bail by learned trial court. By contending so, he sought for pre-arrest bail for the applicants on point of further enquiry and malafide. In support of his contention he has relied upon case of *Shaukat Ali alias Laloo vs the State (2009 YLR 184)*.

4. Learned A.P.G for the State has opposed to grant of bail to the applicants by contending that they have actively participated in commission of incident by causing hatchet and Danda blows to PW Piyaro.

5. I have considered the above arguments and perused the record.

6. The FIR of the incident has been lodged with delay of about three days, such delay could not be lost sight of. All the penal sections applied in the FIR are bailable excepting one under section 337-F(v) PPC, which is not falling within prohibitory clause of section 497(2) Cr.P.C. The parties are already disputed over matrimonial affairs. Co-accused Raheem and four others have already been admitted to pre-arrest bail by learned trial court. The investigation of the case is over. In these circumstances, the applicants are found entitled to grant of pre-arrest of bail on point of further enquiry and malafidy.

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

8. The instant application is disposed of accordingly.

JUDGE