

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. B.A. No.S- 1000 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE(S)

1. For orders on office objection.
2. For hearing of main case.

02.11.2020

Applicant is present on interim pre-arrest bail.

Mr. Ahsan Abbas Advocate holds brief on behalf of Mr. Abdul Ahad Sahito, Advocate for applicant.

Mr. Nazar Muhammad Memon, Additional Prosecutor General, Sindh.
=

MUHAMMAD SALEEM JESSAR, J.-Through this bail application, applicant Nabi Bux seeks pre-arrest bail in Crime No.58 of 2020, registered at Police Station Khudabad, under sections 452, 147, 148, 149, 504, 337-A(i), 337-F(i), 337-H(ii) PPC.

2. As per F.I.R, on 08.08.2020 applicant Nabi Bux alongwith his accomplices duly armed with iron rod, pistol and Dandas etc entered the house of complainant and caused iron rod blow to him; as a result thereof he received injury on his head. Co-accused have also caused injuries to complainant upon different parts of his body.

3. Mr. Ahsan Abbas Advocate holding brief for Mr. Abdul Ahad Sahito Advocate for applicant, submits that injuries allegedly sustained by complainant and mentioned in the certificate by Medico-Legal Officer areailable; besides, the applicant after grant of interim pre-arrest bail has joined trial proceedings. He, therefore, submits that applicant has not misused the concession extended to him, hence prays for confirmation of interim pre-arrest bail already granted to the applicant by this Court vide order dated 13.10.2020.

4. Learned A.P.G Sindh in view of above, does not oppose the bail application.

5. Heard arguments and perused record.

6. Admittedly, applicant after grant of interim pre-arrest bail by this Court has joined trial of the case before trial Court where case is pending adjudication and as per applicant, now is fixed on 03.11.2020 (tomorrow). Moreover, the sections with which applicant has been charged are bailable except section 452 PPC which carries maximum punishment of 07 years and is yet to be established by the prosecution after recording evidence of its witnesses before the trial Court.

7. In these circumstances and in view of the dicta laid down by the Apex Court in case of **MUHAMMAD TANVEER V. THE STATE** (PLD 2017 S.C. 733), case of applicant/accused requires further inquiry within the meaning of sub-section (2) to section 497 Cr.P.C. Consequently, the application is allowed and the interim pre-arrest bail already granted to applicant by this Court vide order dated 13.10.2020 is hereby confirmed on same terms and conditions. However, the applicant is directed to continue his appearance before trial Court till final decision of main case without fail. The trial Court shall conclude the case within shortest possible time under intimation to this Court through Additional Registrar.

8. It is made clear that during trial if applicant misuses the concession of pre-arrest bail, the trial Court would be competent to take necessary action against him without making any reference to this Court, in accordance with law.

9. Needless to mention that the observations made hereinabove are tentative in nature and the trial Court shall not be influenced upon by any of them while proceeding with and deciding the case on merits.

10. Bail application stands disposed of alongwith pending applicant(s).

JUDGE