

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Bail Application No.S-885 of 2020

---

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

---

For hearing of main case.

**11.01.2021**

Mr. Muhammad Aslam Sipio, advocate along with applicants.  
Ms. Sobia Bhatti, A.P.G for the State.  
The complainant is present in person.

==

**Irshad Ali Shah, J:-** It is alleged that the applicants in furtherance of their common intention caused iron rod and Danda blow to PW Muhammad Siddique with intention to commit his murder and then went away by insulting complainant Ali Gul, for that the present case was registered against them.

2. The applicants on having been refused pre arrest bail by learned Additional Sessions Judge, Matiari have sought for the same from this Court by way of instant application u/s 498 Cr.P.C.

3. It is contended by 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 its grudge with them over landed property; the FIR has been lodged with delay of about 20 days; injured has sustained injuries on account of his fall from the motorcycle and validity of the medical certificate has been kept in abeyance by medical board. By contending so, he sought for pre-arrest bail for the applicants on point of further enquiry and malafide.

4. Learned A.P.G. for the State, who is assisted by the complainant has opposed to grant of pre arrest bail to the applicants by contending that they have actively participated in commission of incident.

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

6. The FIR of the incident has been lodged with delay of about 20 days; such delay having not been explained plausibly could not be overlooked. Whether the blows with Iron rod and Dandas were caused to the injured with intention to commit his murder? It requires determination at trial. The validity of the medical certificate has been kept in abeyance by the Medical Board on account of failure of the injured to attend the session of Medical board. Parties are admittedly disputed over landed property which smells of malafide. In these circumstances, it is rightly being contended by learned counsel for the applicants that the applicants are entitled to grant of pre-arrest bail.

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 bail application is disposed of accordingly.

JUDGE

Muhammad Danish Steno\*