

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-820 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objections.
For hearing of main case.

20.01.2021

Mr. Hameedullah Dahri, advocate along with applicants.
Ms. Sobia Bhatti, A.P.G for the State.

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Irshad Ali Shah, J:- It is alleged that the applicants after having formed an unlawful assembly and in prosecution of their common object caused lathi, hatchet and Saria blows to complainant Ahmed Nawaz and PW Imdad Ali with intention to commit their murder and then went away by making aerial firing to create harassment and insulting complainant party, for that the present case was registered against them.

2. The applicants on having been refused pre arrest bail by learned Additional Sessions Judge, Hala has 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 dispute with them over landed property; the FIR has been lodged with delay of about [41] days and applicants Noor Ali, Iqbal, Mumtaz Ali and Khan

Muhammad on investigation have been found to be innocent by the police. 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 relied upon case of *Akhtar Hussain alias Akhtar Ali vs The State (2007 YLR 853)* and *Zaheer Ahmed Khan vs The State (2003 SCMR 919)*

4. Learned A.P.G. for the State 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 [41] days; such delay could not be overlooked. On investigation applicants Noor Ali, Iqbal, Mumtaz Ali and Khan Muhammad have been found to be innocent by the police. The parties are said to be disputed over landed property. The case has finally been challenged. The applicants have joined the trial. 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.

9. The instant bail application is disposed of accordingly.

JUDGE