

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-852 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. Bashir Ahmed Almani, advocate along with applicants.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Zulqarnain Talpur, advocate for complainant.

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Irshad Ali Shah, J:- It is alleged that the applicants with rest of the culprits in furtherance of their common intention caused lathi, hatchet and fires shot injuries to PWs Sudoro and Hero Kolhi with intention to commit their murder and then went away by making aerial firing and insulting complainant Mohin, for that the present case was registered against them.

2. The applicants on having been refused pre arrest bail by learned Sessions Judge, Tando Muhammad Khan 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 dispute with them over landed property under the garb of Electric wire; there is counter version of the incident; FIR has been lodged with delay of about three hours and co-accused Muhammad Umer has already been admitted to 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 relied upon case of *Aftab Ahmed Butt and others vs The State and another (2015 MLD 165)*

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to grant of pre arrest bail to the applicants by contending that they have actively participated in commission of incident by causing fire shot, hatchet and lathi blows to the above said witnesses and their role is different to that of co-accused Muhammad Umer, who has already been admitted to bail by learned trial Court.

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 hours. There is counter version of the incident, which party is aggressor and which party is aggressed upon? It requires determination at trial. The parties are said to be disputed over landed property. The case has finally been challaned. 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.

8. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa.