

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-635 of 2020
Cr.B.A.No.S-654 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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21.01.2021.

M/s Ishrat Ali Lohar and Fayaz Ahmed Laghari, advocates along with applicants.

Mr. Javed Ali Buriro, advocate for complainant.

Ms. Sobia Bhatti, A.P.G for the State.

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Irshad Ali Shah J;- It is alleged that the applicants with rest of the culprits in prosecution of their common intention committed murder of Asad Ali by setting him on fire, for that the present case was registered against them.

2. The applicants on having been refused pre arrest bail by learned VIIIth Additional Sessions Judge, Hyderabad have sought for the same from this Court by making separate applications under Section 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 extract money from them; the FIR has been lodged with delay of about 15 months and the very case on consecutive investigation was recommended by the police to be cancelled under "C-class". By contending so, he sought for pre-arrest bail for the applicants.

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 committed murder of an innocent person in a very clandestine manner.

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

6. The FIR of the incident has been lodged with delay of about 15 months; such delay could not be overlooked. The complainant is not an eye witness of the incident. The very case on successive investigation was recommended by the police to be cancelled under "C-class". The applicants have joined the trial. In these circumstances, a case for grant of pre-arrest bail in favour of the applicants on point further inquiry and malafide obviously is made out.

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