

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Bail Application No.S-459 of 2020

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

**21.01.2021**

Mr. Zaheeruddin Nohri, 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 with rest of the culprits in furtherance of their common intention caused hatchet and lathi blows to complainant Mubeen and his wife Mst. Walhan and then went away by setting his house on fire, for that the present case was registered against them.

2. The applicants on having been refused pre arrest bail by learned Additional Sessions Judge, Tharparkar at Mithi have sought for the same from this Court by way of instant application 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 satisfy its dispute with them over landed property and the FIR has been lodged with delay of nine days. 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 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 nine days; such delay could not be overlooked. All the penal sections applied in the FIR are bailable excepting one u/s 436 PPC. 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

Ahmed/Pa.