

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-134 of 2021

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

24.02.2021

Mr. Gulzar Ali A. Soomro, advocate along with applicants.
Ms. Sobia Bhatti, A.P.G for the State.
Complainant Muhammad Ayoub in person.

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Irshad Ali Shah, J:- It is alleged that the applicants in prosecution of their common intention caused fists, kicks and Sarota blows to PW Abrar and then went away by insulting complainant Muhammad Ayoub, for that the present case was registered.

2. The applicants on having been refused pre arrest bail by learned 2nd Additional Sessions Judge, Hyderabad 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 police; the FIR has been lodged with delay of about four days; offence alleged against the applicants is not falling within the prohibitory clause and complainant Muhammad Ayoub now by filing his affidavit has also recorded no objection to grant of bail to the applicants. 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 complainant has recorded no objection to grant of pre arrest bail to the applicants.

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

6. The FIR of the incident has been lodged with delay of about four days; such delay could not be overlooked. The injuries sustained by injured PW Abrar are not falling within prohibitory clause of section 497(2) Cr.P.C. The case has finally been challenged. The applicants have joined the trial. The complainant has also recorded no objection to grant of bail to the applicants. 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 on point of malafide.

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.