

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD
Criminal Bail Application No.S-1020 of 2020

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

02.03.2021.

Mr. Aslam P. Sipio, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Abdul Salam Chandio, Advocate for complainant.

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ORDER

Irshad Ali Shah J:- It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of their common object not only committed murder of Abdul Razaq and Ghulam Murtaza by causing them hatchets injuries, but caused lathies and hatchets injuries to PWs Sadam Hussain, Zameer Hussain and Ghulam Shabeer with intention to commit their murder, for that the present case was registered.

2. The applicant on having been refused pre arrest bail by learned Illrd Additional Sessions Judge, Hyderabad has sought for the same from this Court by way of making instant application u/s 498 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party on account of its dispute with him over landed property; the FIR of the incident has been

lodged with delay of about one day; no effective role in commission of incident is attributed to the applicant and co-accused Jan Muhammad, Umaid Ali and Ali Nawaz have already been admitted to bail by this Court. By contending so, he sought for pre-arrest bail for the applicant on point of consistency/further enquiry and malafide.

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to grant of the pre arrest bail to the applicant by contending that he is vicariously involved 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 one day. The role attributed to the applicant in commission of incident is only to the extent of his presence. Co-accused Jan Muhammad, Umaid Ali and Ali Nawaz have already been admitted to bail by this Court. In that situation, no useful purpose would be served if, the applicant is taken into custody and then is admitted to bail on point of consistency.

7. In case of *Muhammad Ramzan vs. Zafarullah and others* (1986 SCMR-1380), it was held by the Honourable Court that;

“No useful purpose was likely to be served if bail of the accused is cancelled on any technical ground because after arrest he could again be allowed bail on the ground that similarly placed other accused were already on bail.”

8. In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.

9. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa