

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-413 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For orders on MA-3350/19
3. For hearing of main case.

06.09.2019.

Mr. Muhammad Arab Khoso, advocate along with applicants.

Ms. Safa Hisbani, A.P.G.

Complainant Diloo in person.

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Irshad Ali Shah J;- It is alleged that the applicants in furtherance of their common intention had committed Qatl-e-amd of Mst. Noor Bano by strangulation her throat for that they were booked and reported upon.

2. The applicants on having been refused pre arrest bail by the learned Additional Sessions Judge, Sehwan have sought for the same from this court by way of instant application under Section 498 Cr.P.C.

3. It is contended by the learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the police; the deceased had died of cardiac arrest and FIR of the incident has been lodged with delay of about 12 days. By contending so, he sought of pre-arrest bail for the applicants on point of malafide.

4. The complainant has recorded no objection to grant of pre-arrest bail to the applicants by filing his affidavit, while 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. As per report of SHO PS Aamri, which was furnished before learned Additional Sessions Judge, Sehwan, the deceased committed suicide. The lodgment of FIR with delay of 12 days signifies deliberation and consultation. As per medical officer, physical examination of the deceased does not favour of case of strangulation or throttling, therefore, the death of the deceased could be cardio respiratory failure due to cardiac arrest. Such medical opinion could not be lost sight of. The complainant of the case has also recorded no objection to grant of pre-arrest bail to the applicants. In that situation, case for grant of pre-arrest bail to the applicants on point of malafide is made out, obviously.

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

8. The instant application is disposed of accordingly.

JUDGE