

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-994 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

05.12.2019.

Mr. Ali Hassan Chandio, advocate along with applicant.
Mr. Abdul Hameed Bajwa, advocate for complainant.
Ms. Sana Memon, A.P.G for the State.
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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 committed murder of Abdul Majeed by causing him fire shot, hatchet and lathi injuries and then went away by threatening complainant Muhammad Ramzan and his witnesses of murder and making aerial firing to create harrassment, for that the present case was registered against them.

2. The applicant on having been refused pre arrest bail by learned Sessions Judge, Mirpurkhas has 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 applicant that the applicant being innocent has been involved in this case falsely by the complainant party in order to satisfy its dispute with him over landed property; no active role in commission of incident is attributed to the

applicant and co-accused Zubair Shah and Taj Muhammad, who were refused by bail by this Court have already been admitted to pre-arrest bail by Hon'ble Supreme court of Pakistan. By contending so, he sought for pre-arrest bail for the applicant.

4. Learned A.P.G. for the State has recorded no objection for grant of pre arrest bail to the applicant by contending that the co-accused Zubair Shah and Taj Muhammad have already been admitted to bail by Hon'ble Supreme Court of Pakistan.

5. Learned counsel for the complainant has opposed to grant of bail to the applicant by contending that he has actively participated in commission of incident.

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

7. The role attributed to the applicant in commission of incident is only to the extent that he made aerial firing, therefore, his sharing common intention in committing death of deceased Abdul Majeed obviously is calling for determination at trial. Be that as it may, co-accused Zubair Shah and Taj Muhammad with utmost similar role have already been admitted to pre-arrest bail by Hon'ble Supreme Court of Pakistan. The parties are already disputed over landed property. In that situation, a case for grant of pre-arrest bail in favour

of the applicant on point of consistency and malafide obviously is made out.

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