

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-1159 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection 2. For hearing of main case.

06.12.2019.

Mr. Riaz Ali Panhwar, advocate along with applicants.
Ms. Rameshan Oad, A.P.G for the State.
Mian Taj Muhammad Keerio, advocate for complainant.
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Irshad Ali Shah J;- It is alleged that the applicants in furtherance of their common intention took PW Ayoub with them to their Otaq and then caused him butt blow with intention to commit his murder in order to satisfy the dispute with him over landed property, for that the present case was registered against them.

2. The applicants on having been refused pre arrest bail by learned IIIrd 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 the complainant party in order to satisfy their dispute with them over landed property; the FIR has been lodged with delay of about 11 days; there is counter version of the incident; the investigation of the case is over and applicants have joined the trial. By contending so, he sought for pre-arrest bail for the applicants on point of further enquiry and malafide. In support of his contention he relied upon

case of ***Tariq Sajjad alias Tahir alias Tahli vs The State (2008 MLD 332 Lahore)***).

4. Learned A.P.G. for the State and learned counsel for the complainant have 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 about 11 days; such delay could not be lost sight of; the butt blow could hardly be caused to the injured; as per FIR the injured sustained single injury, for single injury the involvement of the three persons appears to be significant; it is said that there is counter version of the incident, if it is so, then which party is aggressor and which party is aggressed upon, it requires determination at trial; parties are already disputed over landed property, in that situation it is rightly being contended by learned counsel for the applicants that they 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