

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Criminal Bail Application No.S-965 of 2021

Applicant : Allah Bachayo Son of Ahmed Mallah, through Mr. Mashooque Ali Mahar, Advocate.

Respondent : The State through Mr. Nazar Muhammad Memon, Additional Prosecutor General, Sindh.

Date of hearing : **18.11.2021**  
Date of Order : **18.11.2021**

**O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant bail application, the applicant/accused above named seeks his pre-arrest bail in Crime No.93 of 2021, under sections 324, 114, 504, 34, 337-F(iii), 337-D P.P.C, registered at P.S Sehwan, after his bail plea was declined by the learned Additional Sessions Judge Sehwan, vide order dated 14.10.2021.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Per learned counsel the only role assigned against the applicant/accused is instigation and it is yet to be determined when the evidence will be recorded whether he has shared common intention or not. He lastly prayed for confirmation of interim pre-arrest bail.

4. Learned Additional Prosecutor General, Sindh opposed the confirmation of interim pre-arrest bail.

5. I have heard learned counsel for the applicant as well as Additional Prosecutor General, Sindh and gone through the record available.

6. No doubt the name of the applicant/accused transpire in the F.I.R but the role assigned against him is only instigation which is yet to be determined at the trial when the evidence will be recorded that whether he has shared common intention or not. Reliance is placed on the case of ***QURBAN ALI Vs. THE STATE and others [2017 SCMR 279]***. Consequently, the bail application is allowed and the interim pre-arrest bail earlier granted to him by this Court vide Order dated 25.10.2021, is hereby confirmed on the

same terms and conditions. The applicant/accused is directed to attend the learned Trial Court regularly if, he fails to appear the Trial Court would be at liberty to take actions against them in accordance with law.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicants on merits.

JUDGE

*Muhammad Danish\**