

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

Criminal Bail Application No.S-746 of 2021

Applicants : Qurban Ali Son of Ramzan and Wali Dino @ Waloo Son of Ramzan, through Syed Shahzad Ali Shah, Advocate.

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

Complainant : Menhooon through Mr. Nisar Ahmed S. Chandio, Advocate.

Date of hearing : 01.11.2021
Date of Order : 01.11.2021

O R D E R

AMJAD ALI SAHITO, J:- Through the instant bail application, the applicants/accused above named seek their pre-arrest bail in Crime No.110 of 2021, under sections 337-A(i), 337-A(ii), 504, 34 P.P.C, registered at P.S Sanghar, after their bail plea was declined by the learned Additional Sessions Judge-II, Sanghar, vide order dated 03.08.2021.

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. Learned counsel for the applicants/accused submits that role assigned against applicants/accused Qurban Ali and Wali Dino @ Waloo is of general in nature both have not caused any injury to the injured or complainant. He further contended that due to enmity the applicants/accused have been falsely implicated in this case. He lastly prayed for confirmation of interim pre-arrest bail.

4. Learned counsel for the complainant as well as learned Additional Prosecutor General, Sindh opposed for grant of interim pre-arrest bail.

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

6. Admittedly the role assigned against applicants Qurban Ali and Wali Dino @ Waloo is in general nature and no specific role is against them and mere presence has

been shown. It is yet to be determined whether they have participated in the commission of offence or not when the evidence will be recorded. At bail stage only tentative assessment is to be made.

7. In view of above, the case of the applicants/accused falls within the ambit of sub-section (2) of section 497 Cr.P.C and learned counsel for the applicants/accused has pleaded malafide on the part of the complainant for their false implication in this case which cannot be ruled out, therefore, the bail application is allowed. Consequently, the interim pre-arrest bail granted to the applicants/accused by this Court vide Order dated 31.08.2021, is hereby confirmed on the same terms and conditions. The applicants/accused are directed to attend the learned Trial Court regularly if, the applicants/accused fail to appear the Trial Court would be at liberty to take actions against them in accordance with law.

8. 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**