

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Bail Application No. S- 622 of 2016

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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For Hearing.

Mr. Umrah Khan Yousufzai Advocate alongwith applicant.
Mr. Abdul Rehman Kolachi, DPG for the State.

Date of hearing: 21-08-2017.
Date of Order: 21-08-2017.

ORDER

Aftab Ahmed Gorar J., Applicant Mohammad Aslam Rind seeks pre-arrest bail in crime No. 61 of 2009 registered with Police Station Pirjogoth for offences under sections 302, 324, 148, 149 PPC. Previously, bail application filed by the applicant for same relief was turned down by learned 2nd Additional Sessions Judge, Khairpur vide order dated 20.09.2016.

2. Learned counsel for the applicant mainly contended that applicant was granted post arrest bail by the trial court but subsequently due to tribal dispute between Rind and Ansari communities, he shifted to Karachi to save his life, as such his bail was cancelled. He further contended that applicant is innocent and has falsely been implicated in this case due to enmity and mere role of conspiracy has been alleged against the applicant.

3. Learned DPG for the State vehemently opposed the grant of bail application on the ground that after grant of post arrest bail applicant jumped away the same. He further contended that the applicant remained

fugitive from law for more than 06-years without any plausible explanation. He also contended that applicant is nominated in the promptly FIR lodged by complainant with the allegation of conspiracy and on his conspiracy, co-accused committed murder of deceased Abdul Waheed. Lastly, he prayed for dismissal of bail application with a request to take the applicant into custody in view of the case law reported as **Rana Muhammad Arshid v. Muhammad Rafique and others (PLD 2009 Supreme Court 427)**.

4. Arguments of learned counsel for applicant and learned Deputy Prosecutor General for the State heard and record perused.

5. Record reflects that applicant was admitted to post arrest bail by the trial court vide order dated 10.12.2010, but he jumped away the bail and remained fugitive from law for a considerable period of more than 06-years, for which no plausible explanation has been furnished by the learned counsel for the applicant. Furthermore, the applicant is nominated in the promptly lodged FIR with specific role of conspiracy and on his conspiracy co-accused committed the murder of an innocent soul.

6. In case of **Rana Muhammad Arshid** (supra), the Hon'ble Supreme court has been pleased to hold that no court would have any power to grant pre-arrest bail unless all the conditions specified for allowing bail before especially the condition regarding Mala fides were proved. In the case in hand, learned counsel for applicant has failed to point out any mala fide on the part of complainant or police. In the said case, accused was declined pre-arrest bail, who was at large for more than 02-years, but here in this case the applicant has remained fugitive from law for more than 06-years.

7. For what has been discussed above, I am of the firm opinion that the applicant has failed to make out any case for grant of pre-arrest bail. Consequently, instant bail application stands dismissed and the interim pre-arrest bail granted to the applicant by this court by order dated 22.09.2016 stands recalled. The applicant is taken into custody and sent to Central Prison-1, Sukkur with directions to jail authorities to produce him before the trial court on each and every date of hearing. Office is directed to communicate this order to the trial court for information.

JUDGE

Ahmed