

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 483 of 2020

For Hg. Of B.A.

- 1.For orders on office objection.
- 2.For orders on MA 3825/2020.
- 3.For hearing of bail applications

Ms. Ambar Iqbal Advocate for the Applicant.
Mr. Ali Raza Kalwar Advocate for the Complainant.
Mr. Abdul Rehman Kolachi, Deputy P.G for the State.

Date of Hearing: 23-11-2020

Date of Order: 23-11-2020

ORDER

AFTAB AHMED GORAR J. Through captioned Crl. Bail Application, applicant seeks post arrest bail in Crime No.52 of 2019 registered at P.S, Jarwar for offences under Sections 337A(i), 337A(ii), 337A(iii), 337F(i), 114, 147, 148, 149 & 504 PPC.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with this application, hence needs not to reproduce the same herein under.

3. Perusal of record reflects that earlier the pre-arrest bail plea of the applicant and co-accused Bashir Ahmed was turned down on merits by this Court vide order dated 27.01.2020, passed in Crl. Bail Application No.S-20 of 2020 and after having failed to get the extraordinary relief of pre-arrest bail by this Court, the applicant and said co-accused approached the Hon'ble Supreme Court of Pakistan by filing

Crl. Petition No.117 of 2020 for pre-arrest bail, but the same was also dismissed vide order dated 11.02.2020 on merits by holding as under:

“2. Perusal of the record reveals that the petitioners were nominated in the FIR with specific role of causing bodily injuries on the persons of complainant party and medical evidence in this regard also supports the version given in the FIR. The petitioners, through the instant petition, have applied for extra ordinary relief of bail before arrest for which we are unable to find any question of ulterior motives, malice or ill-will attributed to the complainant party or the police or their false implication in the case. Commission of offence has further been established on the record in the shape of a cross-version recorded through FIR No.53 dated 30.11.2019 by the present accused party. So, the above circumstances, in no way, call for our indulgence for an extra ordinary relief of bail before arrest.

3. In view of the above, no case at least for bail before arrest, is made out. Hence this petition is dismissed and leave to appeal is refused”.

4. Record further reflects that after having failed to get extra ordinary relief from this Court as well as Hon’ble Supreme Court, the applicant and said co-accused remained fugitive from law and later on they surrendered before learned trial Court, where they moved Crl. Application for post-arrest bail by suppressing the real facts of refusal of extra ordinary relief to them by this Court as well as Hon’ble Supreme Court. However, vide order dated 04.01.2020, the applicant and said co-accused were admitted to post arrest bail by learned trial Court. Against said order, the complainant moved application for cancellation of post-arrest bail, but the same was rejected by learned trial Court vide order dated 13.05.2020. Complainant challenged said

order by preferring Crl. M.A.No.06 of 2020 before learned Sessions Judge, Ghotki in terms of Section 497(5) Cr.P.C and vide order dated 25.08.2020, learned 3rd Additional Sessions Judge, Mirpur Mathelo declared both orders dated 04.01.2020 and 13.05.2020, passed by learned trial Court i.e. 1st Civil Judge & J.M, Mirpur Mathelo (granting post-arrest bail to applicant and dismissing the application of complainant for cancellation of said concession), to be illegal and beyond jurisdiction, hence same were set-aside and cancelled and the applicant and said co-accused were taken into custody and remanded to District Prison, Ghotki.

5. In view of above discussions and without dilating upon the merits of the case, which have already been discussed by this Court as well as Hon'ble Supreme Court, as stated supra, it can be safely said that *prima facie*, there are reasonable grounds to believe that the applicant has played his role by committing the alleged offence, disentitling him for the grant of bail on the ground of further enquiry.

6. For what has been discussed above, I am of the considered opinion that the applicant has failed to make out a case for grant of post-arrest bail at this stage. Accordingly, instant Crl. Bail Application being meritless stands **dismissed**.

J U D G E