

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Cr. Bail. Appln. No.S- 498 of 2019

Date	Order with Signature of Honourable Judge
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- 1. For orders on office objection at flag ‘A’
- 2. For hearing of main case
(Notice issued)

08.11.2019

Mr. Achar Khan Gabole Advocate for the Applicant
Mr. Muhammad Junaid Akram Malik Advocate a/w complainant
Mr. Khalil Ahmed Maitlo, DPG for the State
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Aftab Ahmed Gorar, J:- Through instant Criminal Bail Application, the applicant/accused Ehsan Ali S/o Waris Dino Ghanghro seeks post-arrest bail in Crime No.60/2019 registered at Police Station Kandhra, District Sukkur for offence punishable under Sections 337-A(iii), 504, 34 PPC.

- 2. The facts of the prosecution case are that on 08.5.2019 complainant Gul Muhammad lodged FIR at Police Station Kandhra, stating therein that on 02.4.2019, he along with his brother and nephew were going on motorcycle, when they were confronted on the way by accused Waris Dino, Ehsan and Ikan, first they hurled abuses and then caused butt blows of TT Pistol on his face, which hit on his Nose, he was rescued by the witnesses by entreating the accused in the name of Almighty Allah and Holy Messenger, hence the accused escaped away, then such FIR was registered by him.
- 2. The applicant on having been refused post-arrest bail by learned 2nd Additional Sessions Judge Sukkur, he has preferred instant criminal bail application and has sought the post-arrest bail from this Court.

3. Learned counsel for the applicant submits that the applicant being innocent has been involved in this case falsely and malafidely by the complainant party; that there is delay of more than one month in lodgment of the FIR, the parties are already disputed over matrimonial affairs and the offence is not falling within prohibitory clause of Section 497 Cr.P.C. He further submits that the complainant / injured Gul Muhammad has sworn / filed his affidavit before this Court wherein he has stated that he has no objection for grant of bail to the applicant/accused. He lastly prayed for grant of bail to the applicant/accused.

4. Learned DPG for the State and learned counsel for the complainant have recorded no objection to grant of post-arrest bail to the applicant by contending that the parties have settled their dispute outside of the Court as the complainant has also sworn his affidavit to that effect.

5. I have considered the above arguments and perused the record. Admittedly there is delay of more than one month in lodgment of the FIR; such delay being un-plausible could not be overruled. There is dispute between the parties over matrimonial affairs, the offence with which the applicant/accused has been charged does not come within the prohibitory clause of Section 497 Cr.P.C. The complainant / injured Gul Muhammad has filed his affidavit before this Court, wherein he has stated that the matter has been settled in between him and the applicant/accused, therefore, he has no objection for grant of bail to the applicant/accused, hence the learned DPG for the State and learned counsel for the complainant have recorded no objection to the grant of post-arrest bail to the applicant. In these circumstances, the applicant is found to be entitled to grant of post-arrest bail. In view of above, the applicant/accused is granted bail subject to his furnishing solvent surety

in the sum of Rs.50000/- (Fifty thousand) and PR bond in the like amount to the satisfaction of learned trial Court.

7. Instant Criminal Bail Application is disposed of in above terms.

Judge

ARBROHI