

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-147 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection
For hearing of main case.

09.03.2021.

Mr. Farhad Ali Abro, Advocate along with
applicants.

Ms. Sobia Bhatti, A.P.G for State.

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Irshad Ali Shah J.- It is alleged that the applicants with rest of the culprits after having formed an unlawful assembly and in furtherance of their common object deterred the police party of P.S Daulatpur led by ASI Mohbat Solangi from discharging his lawful duty as a public servant by causing *Sarota* blow to LPS Kehkashan, for that the present case was registered

2. The applicants on having been refused pre-arrest bail by learned 3rd Additional Sessions Judge, Shaheed Benazirabad have sought for the same from this Court by way of instant application under section 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the police at the instance of his opponent and offence alleged against the applicants is not falling within prohibitory clause of

section 497(2) Cr.P.C. By contending so, he sought for pre-arrest bail for the applicants on point of further enquiry and malafide.

4. Learned Assistant Prosecutor General for the State has opposed to grant of pre-arrest bail to the applicants by contending that he has actively participated in commission of incident.

5. I have considered the above arguments and perused the record.

6. All the penal sections applied in FIR areailable excepting one u/s 337-A(ii) PPC, which is not falling within prohibitory clause of section 497(2) Cr.P.C. The case has finally been challaned. The applicants have joined the trial. The applicants have not misused the concession of bail. In these circumstances, a case for grant of bail to the applicant on point of further inquiry and malafide is made out.

7. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

8. The instant bail application is disposed of accordingly.

JUDGE

Ahmed/Pa.