

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-468 of 2020

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

16.03.2021.

Mr. Abdul Hameed Bajwa, advocate along with applicant
Khan Sahib.

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

Mr. Aghis-u-Salam Tahirzada, advocate for complainant.

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Irshad Ali Shah J;- It is alleged that applicant Khan Sahib with rest of the culprits by committing trespassed into house of complainant Muhammad Din abducted Mst. Karima by causing fire shot injury to PW Khan Muhammad with intention to commit his murder, for that the present case was registered.

2. The applicant and co-accused Chutto Khan (now died) on having been refused pre arrest bail by learned 1st Additional Sessions Judge, Tando Allahyar sought for the same from this Court by way of instant application u/s 498 Cr.P.C.

3. It is contended by learned counsel for the applicant Khan Sahib that he being innocent has been involved in this case falsely by the complainant party in order to satisfy old enmity; the FIR has been lodged with delay of about three days and Mst. Karima has been secured by the police under mysterious circumstances; therefore, the applicant is entitled to grant of pre arrest bail on point of further enquiry and malafide.

4. Learned A.P.G. for the State and learned counsel of the complainant have opposed to grant of pre arrest bail to the applicant by contending that he has committed the offence which is affecting the society.

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

7. The FIR has been lodged with delay of about three days; such delay could not be lost sight of. There are cross cases between the parties with regard to abduction of Mst. Karima and Mst. Sahibzadi. Mst. Karima has been secured by the police under mysterious circumstances. There is no medical certificate in respect of injury allegedly sustained by PW Khan Muhammad. There is no allegation of rape. The case has finally been challaned. The applicant has joined the trial. In these circumstances, a case for grant of pre-arrest bail to the applicant on point of further enquiry and malafidy obviously is made out.

8. In view of above, the interim pre-arrest bail already granted to applicant Khan Sahib is confirmed on same terms and conditions.

9. The instant bail application is disposed of accordingly.

JUDGE