

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.419 of 2021

Applicants : 1. Azeem.
2. Nadeem.
3. Naeem.
4. Faheem.
All sons of Aleem Uddin, bycaste
Malik, R/O Bagh Hayat Ali Shah,
Shaikh Sheenh Road Sukkur.

Through : Mr. Sikander Ali Junejo, advocate.

Complainant : Though Shahid Ali Memon, advocate.

The State : Through Mr. Shafi Muhammad
Mahar, Deputy Prosecutor General,
Sindh.

Date of hearing : 27-08-2021

Date of order : 27-08-2021

ORDER

AMJAD ALI SAHITO, J --Through this Crl. Bail Application, the applicants/accused seek pre-arrest bail in Crime No.76/2021, u/s 148, 149, 354, 504, 506/2 PPC registered at police station "C" Section Khairpur after their bail plea has been declined by V-Additional Sessions Judge, Sukkur vide order 28-06-2021.

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 such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for applicants submits that applicants are innocent and have falsely been implicated in this case by the complainant with mala fide intentions and ulterior motives due to previous enmity, which is admitted by the complainant in the FIR; that all sections inserted in the FIR

are bail-able, except section 506/2 PPC, which requires evidence; that prior to this applicant/accused lodged FIR against the complainant and her father and in order to create pressure upon the applicants, the complainant has lodged this FIR against them; that the case has been challaned and the applicants/accused are regularly attending the trial Court and they have not misused the concession of interim pre-arrest bail, therefore, he pray for confirmation of interim pre-arrest bail.

4. On the other hand learned counsel for the complainant has vehemently opposed the grant of pre-arrest bail to the applicants/accused on the ground that they are nominated in the FIR and they with the common intention have committed the alleged offence, therefore they are not entitled for the concession of pre-arrest bail.

5. Learned DPG for the State submits that FIR is delayed for about 21 days, hence he half heartedly conceded for grant of bail to the applicants/accused.

6. I have heard learned counsel for applicant, learned DPG for the State so also have gone through the material available on record.

7. Admittedly, prior to this incident the applicant/accused Azeem has lodged the FIR bearing Crime No. 68/2021, u/s 337A(i), 506/2 PPC against the present complainant Mst. Shumaila and her father at police station "C" Section Sukkur on 22-05-2021, as such from the face it, the previous litigation between the parties appears to be going on. Moreover, all sections inserted in the FIR are bail-able except section 506/2 PPC, which requires the evidence to determine as to whether the applicants/accused have issued the threats of dire consequences to the complainant or not. Record reflects that complainant has lodged the FIR with the delay of 21 days and no such plausible explanation has been

furnished by the complainant. The investigation has been completed and applicants/accused are no more required for further investigation. The applicants/accused also pleaded malafide on the part of the complainant that due to previous enmity the instant FIR has been lodged.

8. In view of above discussion, learned counsel for the applicants/accused has made out a good case for confirmation of bail in the light of sub section (2) of Section 497 CrPC, hence the instant bail application is allowed and the interim pre arrest bail already granted to the applicants/accused is confirmed on same terms and condition. Learned trial Court is at liberty to take action against the applicants/accused, if they misuse the concession of bail.

9. Needless to mention that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

J U D G E

Nasim/P.A