

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Application No. S – 186 of 2021

Date	Order with signature of Judge
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For hearing of bail application

1. For orders on office objection at flag 'A'
2. For hearing of bail application

19.04.2021

Applicant/accused present in person

None present for the complainant

Mr. Shafi Muhammad Mahar, DPG for the State

ORDER

Aftab Ahmed Gorar, J- Through instant Criminal Bail Application, the applicant/accused Hazoor Bux S/o Ujjan Khan Aradin, seeks pre-arrest bail in Crime No.40/2012 registered at Police Station, Sorah, District Khairpur, for offences punishable under Sections 395 and 427 PPC.

2. It is alleged that on 08.05.2012 complainant Allahditto Aradin lodged the FIR at Police Station Soorah that at midnight time the present applicant/accused having Gun along with co-accused Akk alias Akber, Ali Nawaz, Ghulam Muhammad, Ali Khan and Ali Gul having Kalashnikovs and two unknown persons with Repeaters intercepted the complainant party and deprived them of their valuable articles and cash, hence such FIR was registered at Police Station, as stated above.

3. It is pertinent to mention here that previously the applicant/accused was arrested and was sent up to face his trial. The applicant/accused along with co-accused Ali Gul filed post-arrest bail application, which was dismissed vide order dated 06.06.2012. Thereafter, the applicant/accused filed post-arrest bail application before this Court which was allowed vide order dated 16.07.2012 and after the grant of bail the applicant/accused has absconded away.

4. I have heard the applicant/accused and learned DPG for the State and perused the record. The allegation against applicant in the commission of offence is that he along with co-accused in the night time intercepted the complainant party and robbed the valuable articles and cash from the complainant and his witnesses. The incident has allegedly taken place in the odd hours of the night, whereas, the identity has been shown on the head light of the Jeep which is weak piece of evidence; there is no recovery of the robbed articles affected from the present applicant/accused. Admittedly, the applicant/accused was granted post-arrest bail by this Court vide order dated 16.07.2012 in CrI. Bail Appln. No.S- 493/2012 and after the grant of post-arrest bail he has remained absconder. It is now a well-established principle of law that if accused has good case for bail on merits, mere absconsion would not come in way while granting bail. In these circumstances, the applicant/accused is found entitled for grant of pre-arrest bail on the point of further inquiry. Consequently, the interim pre-arrest bail earlier granted to

the applicant/accused vide dated 29.03.2021 is hereby confirmed on same terms and conditions. The applicant/accused is directed to regularly attend the trial Court till final disposal of the case.

5. The instant bail application is disposed of accordingly.

Judge

ARBROHI