

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail. Appln. No.S- 531 of 2020

For hearing of bail application

23.11.2020

Mr. Sohial Ahmed Khoso Advocate for the Applicant
Mr. Zulfiqar Ali Jatoy, Additional PG for the State a/w
complainant Samiullah and injured Ghulam Mustafa

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ORDER

AFTAB AHMED GORAR, J: Through instant Criminal Bail Application, the applicant/accused Nadir Hussain S/o Rasool Bux, Maitlo, seeks pre-arrest bail in Crime No.62/2020 registered at Police Station, Ahmedpur, District Khairpur, for offences punishable under Sections 337-A(i),(iii), 337-F(i) 337-F(iii), 337-F(v), 337-L(2), and 34 PPC.

2. The facts of the prosecution case, in brief are that on 24.07.2020 at 1200 hours, complainant Samiullah Maitlo lodged the FIR at police Station, Ahmedpur, stating therein that there had taken place exchange of harsh words in between his brother Ghulam Mustafa with Tasleem Maitlo, who were annoyed, whereas, on the day of incident, he along with his brother Ghulam Mustafa and maternal-cousin Gulzar Ali were on the way to their village, it was 10:00 am, they were intercepted by accused namely Tasleem, Nadir with hatchets, Hatim, Zulfiqar with lathies; accused Tasleem caused hatchet backside blow to Ghulam Mustafa on his head near ear; accused Nadir caused hatchet backside blow to Ghulam Mustafa on his left arm wrist; accused Hatim caused lathi blow to Ghulam Mustafa on his back, whereas accused Zulfiqar

caused lathi blow on his right leg thigh, ankle, right leg knee, they raised cries, which attracted the co-villagers, who rushed to rescue them, but on seeing them coming, the accused escaped away, hence such FIR was registered, as stated above.

3. The applicant on having been refused pre-arrest bail by the Court of learned Additional Sessions Judge-II, Khairpur vide order dated 10.09.2020 hence he preferred the instant bail application seeking the grant of pre-arrest bail.

4. It is contended by learned counsel for the applicant that applicant being innocent has been involved in this case falsely by the complainant party, he was enjoying the concession of bail which has been recalled by learned Additional Sessions Judge-II, Khairpur without lawful justification; that the complainant Samiullah and injured / eyewitness Ghulam Mustafa now have also filed their affidavits in favour of the applicant/accused, hence the case of the applicant/accused is calling for further enquiry. He lastly prayed that the interim pre-arrest bail granted to the applicant/accused earlier may be confirmed on same terms and conditions.

5. Learned Additional PG for the State recorded no objection to grant of bail to the applicant/accused by contending that the parties have settled their dispute outside of the Court as the complainant Samiullah and injured Ghulam Mustafa have filed their affidavits,

whereby they too have recorded no objection to grant of pre-arrest bail to the applicant.

6. I have considered the above arguments and perused the record. The parties are already disputed over the matter of children, which fact is admitted in the FIR. Complainant Samiullah and injured/eyewitness namely Ghulam Mustafa now by filing their affidavits have recorded no objection to grant of pre-arrest bail to the applicant/accused. In these circumstances, it is rightly being contended by learned counsel for the applicant that the applicant/accused is entitled to be granted pre-arrest bail on point of further enquiry. Consequently, the interim pre-arrest bail granted to the applicant/accused dated 18.09.2020 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.

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

Judge

ARBROHI