

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
CrI. Bail Application No. S-219 of 2022

Date of hearing	Order with signature of Judge
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16.01.2023

For Hearing of Bail Application

Mr. Ghulam Hussain Hakro, Advocate along with applicant.
Syed Sardar Ali Shah, Additional P.G for the State.
Nemo for the complainant.

ORDER

ZAFAR AHMED RAJPUT, J.- Through instant application, applicant/accused Mohsin Rind s/o Taj Muhammad seeks pre-arrest bail in Crime/FIR No. 34 of 2022 registered under section 381-A, P.P.C. at P.S, Airport-Sukkur. His earlier Cr. Bail Application bearing No. 662 of 2022 was heard and dismissed by the learned Additional Sessions Judge-V, Sukkur vide order, dated 20.04.2022. The applicant was admitted to interim pre-arrest bail by this Court vide order, dated 19.05.2022.

2. It is alleged that, on 09.04.2022, a motorcycle Unique model 2019 of the complainant Shahid Hussain was stolen from parking area of Askari Park, Sukkur by accused persons, namely, (1) Afzal Hussain Rind, (2) Mohsin Rind (*present applicant*) and (3). Adeel, for which the applicant was booked in the instant case along with co-accused.

3. After hearing learned counsel for the applicant, learned Addl. P.G and perusing the material available on record, it appears that the FIR is delayed by 20 hours and for that, the complainant has furnished no plausible explanation. The alleged offence being punishable with imprisonment for seven years, does not falls within prohibitory clause of section 497, Cr. P.C. and ordinarily in such cases the bail is to be granted as a rule. The present case does not fall

within the exception laid down by the Honourable Supreme Court of Pakistan in the case of *Tariq Bashir vs. The State* (PLD 1995 SC 34). It is also an admitted position that co-accused Afzal Hussain Rind, who was arrested by the police on 10.04.2022 along with stolen motorcycle, has already been admitted to post-arrest bail by learned Additional Sessions Judge-V, Sukkur vide order dated 30.05.2022; hence, the applicant is also entitled for concession of bail as per rule of consistency. There is no complaint with regard to misusing of the concession of interim bail by the complainant; hence, the interim bail granted to him, vide order dated 19.05.2022, is hereby confirmed on same terms and conditions.

4. Needless to mention here that the observations made herein-above are tentative in nature and would not influence the trial Court while deciding the case of applicant on merits and if the applicant in any manner tries to misuse the concession of bail, it would be open for the trial Court to cancel the same after issuing him the requisite notice.

The instant Crl. Bail Application stands **allowed** in above terms.

J U D G E

Ahmad