

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-1188 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objections.
2. For hearing of main case.

21.11.2022.

Mr. Muhammad Hanif Kalhoro, Advocate for applicants
alongwith applicants (on bail)

Ms. Sana Memon, Assistant P.G.

ORDER

Muhammad Saleem Jessar, J. - Mr. Muhammad Hanif Kalhoro, Advocate files his Vakalatnama on behalf of applicants; taken on record. He also submits case diary dated 18.11.2022 issued by learned Judicial Magistrate / Judge Consumer Protection Court under the cover of his statement dated 21.11.2022; taken on record.

2. Through this bail application, applicants Muhammad Hussain, Haji Khan, Ali Nawaz and Muhammad Essa seek their admission on pre-arrest bail in Crime No.123 of 2022 registered at P.S B-Section Dadu, under Sections 506/2, 337-A(i), 337-F(i), 504, 147, 148, 149 PPC. Prior to filing of this application, the applicants filed Bail Application No.1537 of 2022 before the Court of Sessions at Dadu, where after hearing the parties, their request for bail was turned down.

3. Since the facts of prosecution case are already mentioned in F.I.R as well as impugned order passed by learned Ist Additional Sessions Judge, Dadu; therefore, there is no need to reproduce the same in order to save precious time of the Court.

4. Learned Counsel for the applicants submits that incident as narrated in the F.I.R had occurred on 30.09.2022 and report thereof was lodged on 01.10.2022. He next submits that there are general allegations against the applicants and the offences with which the applicants have been shown involved areailable except the offence under Section 506/2 PPC which is yet to be established by the prosecution after recording evidence of the witnesses. He further submits that applicants after furnishing surety before this Court have also joined trial proceedings; thereby have not misused the

concession extended to them by this Court; hence, pray for confirmation of bail.

5. Learned Assistant P.G, in view of above legal position, does not oppose bail to the applicants.

6. Admittedly, all the offences mentioned under F.I.R against the applicants are bailable except the offence falling under Section 506/2 PPC which is yet to be established by the prosecution after recording of evidence of its witnesses. The allegations against all the accused are of general nature and it has been stated that there are cross cases between the parties.

7. In the circumstances and in view of dicta laid down by the Hon'ble Supreme Court in the case of **MUHAMMAD TANVEER v. The STATE & another (PLD 2017 Supreme Court 733)**, the case against applicant requires further inquiry within the meaning of sub-section (2) of Section 497 Cr.P.C. Accordingly, instant bail application is hereby allowed and consequently interim pre-arrest bail already granted to the applicants vide order dated 07.11.2022 is confirmed on same terms and conditions.

8. It is pertinent to mention here that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial.

JUDGE

Shahid