

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.**

Cr. Bail. Appln. No.S-44 of 2012

DATE	ORDER WITH SIGNATURE OF JUDGE
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20-04-2012

Ms. Shabana Kausar Jatoi, Advocate alongwith Applicant.

Syed Meeral Shah Deputy Prosecutor General Sindh

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O R D E R

AQEEL AHMED ABBASI, J: After dismissal of the pre-arrest bail by the Ist Additional Sessions Judge Dadu vide order dated 24.08.2010, the Applicant has approached this Court for seeking bail before arrest through instant bail application on 26.01.2012.

The Applicant was admitted to interim pre-arrest bail on furnishing solvent surety in the sum of Rs.1,00,000/- and P.R Bond in the like amount to the satisfaction of Additional Registrar of this Court. Today, the matter is fixed for confirmation or otherwise.

It is, inter alia, contended by the learned Counsel for the Applicant that the Applicant is innocent having no previous criminal record and has been falsely implicated in the instant crime by the Complainant with whom there is enmity over some land. Per learned Counsel, the F.I.R. is delayed by eight (8) days whereas no explanation has been given for such delay. It is further contended that no recovery whatsoever has been effected from the Applicant whereas role assigned to the Applicant is that he has robbed Rs.250/- from the pocket of one Ghulam Shabbir. Per learned Counsel, initially the Applicant was admitted to interim bail before arrest by the learned Ist Additional Sessions Judge Dadu however, without assigning any cogent reason bail has not been confirmed whereas the Applicant is continuously attending the Trial Court and has remained associated with the prosecution. Per learned Counsel, the matter requires further inquiry whereas there is mala fide on the part of the Complainant, who wants to cause injury to his reputation as the

Complainant also resides in the same neighborhood. She has further contended that charge has been framed and the matter is fixed for evidence before the Trial Court.

Conversely, learned Deputy Prosecutor General Sindh has opposed the confirmation of the bail and states that there are sufficient grounds for not allowing the bail to the Applicant, who has been nominated in the F.I.R.

Looking at the tender age of the Applicant having no previous criminal history, delay in F.I.R. without any explanation and no recovery whatsoever effected from the Applicant, I am of the view that the matter requires further inquiry. The matter is ripe for recording of evidence. No useful purpose will be served by recalling the order, whereby the Applicant was admitted to interim pre-arrest bail whereas the element of false implication also cannot be ruled out at this stage.

Accordingly, interim pre-arrest bail granted earlier to the Applicant vide order dated 27.01.2012 is confirmed on the same terms and conditions.

The bail application stands disposed of in the above terms.

However, it is clarified that if the Applicant misused the concession of bail the Trial Court shall be at liberty to cancel his bail.

JUDGE

Ali Haider/P.A