

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Bail Application No.S-699 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.

26.08.2022.

Applicant is present on ad-interim pre-arrest bail.
Mr. Muhammad Sachal R. Awan, Advocate for applicant.
Ms. Safa Hisbani, Assistant P.G.

O R D E R

MUHAMMAD IQBAL KALHORO, J- Complainant registered FIR on 29.12.2021 of an incident occurring on 13.12.2021 at 1100 hours, in which two unknown accused waylaid him when he was riding on a motorcycle with two PWs near Chandni Chowk, Dadu, and snatched Rs.14,19,000/- and a motorcycle, which he was going to deposit in the Bank.

2. During investigation, the case was disposed of under "A" class. However, on 28.01.2022, in a further statement, complainant disclosed name of co-accused Tarique and applicant to be the real culprits. Co-accused Tarique was arrested and from him Rs.50,000/- out of robbed money were recovered. The impugned order shows that co-accused Tarique has been granted post arrest bail by the trial Court and bail application of the applicant has been dismissed simply on the ground that on one of the dates of hearings he was absent and his previous bail application was dismissed in non-prosecution. There is no attempt however by the trial Court to attend to the facts of the case, the effect of delay in registration of FIR and complainant's apparent failure to disclose the source through which he had come to

know of the names of the applicant and co-accused, in deciding bail application of applicant.

3. Learned Assistant P.G has opposed bail but has not disputed the above facts. Besides, it is not scheme of the law to dismiss pre-arrest bail application of an accused, send him to jail and then release him on post arrest bail after some time on rule of consistency as co-accused with similar role meanwhile has been granted post arrest bail. Accordingly, this application is allowed and ad-interim pre-arrest bail already granted to the applicant is hereby confirmed on same terms and conditions.

4. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

Shahid