

ORDER SHEET
**IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD**

Criminal Bail Application No.S-80 of 2023
Criminal Bail Application No.S-81 of 2023
Criminal Bail Application No.S-82 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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27.03.2023

For orders on office objection.
For hearing of main case.

Mr. Zafar Ali Leghari advocate for applicant along with applicant, who is present on interim pre-arrest bail.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh along with SIP Momin Ali SHO PS Dhoronaro District Umerkot.

Amjad Ali Sahito, J:-- Through instant bail applications, the applicant/accused namely, Bansi seeks pre-arrest bail in crime No.38/2022 registered at PS Dhoronaro, crime Nos.156 and 157 of 2022 both registered at PS Umerkot City. In all three crimes the applicant/accused has been booked for the offence punishable under sections 4, 5 & 8 of Gutka Main Puri Act-2019. Earlier, the bail pleas of the applicant/accused were declined by the learned Additional Sessions Judge-II, Umerkot through separate orders dated 24.01.2023.

2. The details and particulars of the FIRs are already available in the bail applications and FIR, same could be gathered from the copy of FIRs attached with such applications, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused has mainly argued that the applicant/accused is innocent and has falsely been implicated in these cases on political influence of ruling party as they intend to put the applicant/accused behind the bars at any cost, who is an active political worker of PTI; that the entire prosecution story narrated in the FIRs is false, fabricated and concocted and is without independent or corroborative piece of evidence; that the applicant/accused has been booked in serious of cases at

various police stations falsely; that the offences do not fall within the ambit of prohibitory clause of section 497 (1) Cr.P.C.; that the applicant/accused is not previous convict but is being victimized due to political reasons. Learned counsel contended that the applicant/accused is no more required for further investigation. He, therefore, prayed for confirmation of interim pre-arrest bails of the applicant/accused.

4. On the other hand, learned A.P.G. opposed the bail pleas of the applicant/accused and prayed for dismissal of instant bail applications.

5. Heard and perused record.

6. Admittedly, the applicant was not arrested at the spot but allegedly the police identified him while running from the place of incident. The offences with which the applicant/accused is charged, do not fall within the prohibitory clause of section 497 (1) Cr.P.C. Challan of the cases have been submitted and the applicant/accused is not required for further investigation. After grant of ad-interim pre-arrest bail, the applicant/accused has not misused the concession of bail. In view of above, applicant has made out the cases for further inquiry in view of subsection (2) of section 497, Cr.P.C. Consequently, the interim pre-arrest bails granted by this Court to the applicant/accused vide orders dated 27.01.2023 is confirmed on the same terms and condition. However, the applicant is directed to attend the trial Court regularly. If the applicant/accused fails to appear before it, the trial Court would be at liberty to take action against him in accordance with law.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the cases of the applicants on merits.

JUDGE