

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

Criminal Bail Application No.S-356 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
<u>05.05.2023</u>	<p>For orders on office objection. For hearing of main case.</p> <p>Ms. Tahrim Jawahery, advocate for applicant along with applicant, who is present on interim pre-arrest bail.</p> <p>Ms. Rameshan Oad, Assistant Prosecutor General Sindh.</p> <p><u>Amjad Ali Sahito, J:-</u> Through instant bail application, the applicant/accused namely, Kareemdad Brohi seeks pre-arrest bail in Crime No.95/2020 for the offence under section 382, 506 (2), 436, 447, 147, 148, 149, 504, 337-H (ii) PPC registered at Police Station Dehi, District Badin. Earlier, the bail plea of the applicant/accused was declined by the learned 2nd Additional Sessions Judge, Badin vide order dated 26.11.2020.</p> <p>2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.</p> <p>3. Learned counsel for the applicant has mainly argued that the applicant/accused is innocent and has falsely been implicated in this case due to dispute over the property; that no offence has been committed by the applicant/accused; that the allegation levelled against the applicant/accused is that he has taken away in a trolley 200 liter diesel, 20 sacks DPP bhaan and 10 sacks of wheat and thereafter he set at fire the hedge of the house of Muhammad Saleem Jamali and Ghulam Ali Pathan; that no documentary proof has been submitted by the complainant to believe that the property was possessed by him at the time of incident; that the challan has been submitted and the applicant/accused is no more required for further investigation. Lastly she prayed that the interim pre-arrest bail granted to the applicant/accused may be confirmed.</p> <p>4. Learned A.P.G. Sindh has vehemently opposed for grant of bail; however, she admitted that during course of investigation no documentary proof or receipt for purchase of Diesel, sacks of DPP bhaan and wheat has been produced to believe that at the time of incident such things were present in his house.</p> <p>5. Heard and perused.</p>

6. Admittedly, no documentary evidence has been produced by the complainant to believe that at the time of offence, 200 liter diesel, 20 sacks DPP bhaan and 10 sacks of wheat were present in his house. Further, there is enmity between the parties over the land. For grant of pre-arrest bail basic requirement is mala fide on the part of complainant and the learned counsel for the applicant/accused has pleaded mala fide on the part of complainant that due to previous enmity the applicant/accused has been involved in the present case. The investigation is complete. Applicant/accused is no more required for further investigation. In view of the above facts and circumstances, learned counsel for the applicants/accused has made out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. Consequently, instant criminal bail application is **allowed** and interim pre-arrest bail granted earlier to the applicant/accused is hereby confirmed on the same terms and condition laid down therein.

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 case of the applicant on merits.

JUDGE