

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

Criminal Bail Application No.S-364 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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<u>05.05.2023</u>	For orders on office objection. For hearing of main case.
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Mr. Sanaullah Khoso, advocate for applicant along with applicant, who is present on interim pre-arrest bail.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Mr. Zaheer Abbas Kharal, advocate files Vakalatnama on behalf of complainant, taken on record. Complainant is present.

**Amjad Ali Sahito, J:--** Through instant bail application, the applicant/accused namely, Muhammad Qasim seeks pre-arrest bail in Crime No.17/2023 for the offence under section 489-F, 506 (2) PPC registered at Police Station Kazi Ahmed, District Shaheed Benazirabad. Earlier, the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-V, Shaheed Benazirabad vide order dated 10.04.2023.

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.

3. Learned counsel for the applicant has mainly argued that the applicant/accused is innocent and has falsely been implicated in this case; that main accused Aijaz Ali, against whom allegation is that he has issued a cheque of Rs.6 crores, has been granted bail by the learned trial Court. In support of his contention, he has produced order dated 03.02.2023. He further contended that only the allegation against the applicant/accused is that he being armed with pistol has issued threats for dire consequences; otherwise, he has not committed any offence. Lastly he prayed that the interim pre-arrest bail granted to the applicant/accused may be confirmed.

4. On the other hand, learned counsel for the complainant has admitted contention of the learned counsel for the applicant that main accused has been admitted to bail by the learned trial Court; however, he has vehemently opposed the grant of bail to the applicant/accused. Learned A.P.G. Sindh has half heartedly opposed the confirmation of bail to the applicant/accused.

5. Heard and perused.

6. Every person has right to get justice but come with clean hands. In the instant, the complainant has not approached the Court with clean hands. Though the allegation against accused Aijaz Ali is that he has issued a cheque of Rs.6 crores and on presentation the same was bounced but learned trial Court has granted bail to him. Only the allegation against the applicant/accused is that he being armed with pistol issued threats for dire consequences. It is yet to be seen when evidence will be recorded before the trial Court as to whether the applicant/accused has extended threats for dire consequences or not; otherwise, prima facie, no material is brought on record to believe the version of the complainant. More so, offence with which the applicant/accused is booked does not come within the ambit of prohibitory clause. Investigation is complete. Applicant/accused is no more required for further investigation.

7. In view of the above, 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.

8. 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