

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-291 of 2023

(Ameer Hussain & others Vs. The State)

1. For Orders on office objections.
2. For hearing of Bail Application

30-10-2023.

M/s Ali Gul Abbasi and Sundar Khan Chachar, advocates for the applicants.

Mr. Ali Ahmed Khan, advocate for the complainant.

Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

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Irshad Ali Shah, J;- It is alleged that the applicants with rest of the culprits after having formed an unlawful assembly in prosecution of its common object, by way of maltreatment robbed complainant party of their belonging and then abducted PW Irshad and then went away by making fires at complainant Muhammad Pariyal with intention to commit his murder, for that the present case was registered.

2. The applicants on having been refused pre-arrest bail by learned Vth Additional Sessions Judge, Sukkur, have sought for the same from this Court by way of instant Bail Application under Section 498-A Cr.P.C.

3. Heard arguments and perused the record.

4. The FIR of the incident has been lodged with delay about one day; such delay having not been explained plausibly could not be over looked. The firing is in effective one. Whether ineffective firing was made with intention to commit the murder of the complainant? it requires determination at the trial. Section 365 and 395 PPC have been omitted by the police while submitting final report u/s 173

Cr.P.C. There is no allegation of misusing the interim pre-arrest bail on the part of applicants. Co-accused Khadim Hussain and Muhammad Yaseen have already been admitted to bail after their arrest by learned trial Court. In that situation no useful purpose would be served to take the applicants into custody and then to admit them on bail on point of consistency.

5. In case of Muhammad Ramzan Vs. Zafarullah & others (1986 SCMR 1380), it has been held by Apex Court that;-

“no useful purpose was likely to be served, if bail of accused (respondent) was cancelled on any technical ground because, after arrest he could again be allowed bail on the ground that similarly placed other accused were already on bail”.

6. In view of above, interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

7. The instant Crl. Bail Application is disposed of accordingly.

Judge