

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 728 of 2023

Date of hearing	Order with signature of Judge
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Fresh case

1. For orders on office objections at Flag-A
2. For orders on CMA No.6340/2023
3. For hearing of bail application

27.10.2023

Mr. Muhammad Nawaz Shar, Advocate for applicant.

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Muhammad Iqbal Kalhoro, J. – Applicant has filed this application for pre-arrest bail in Crime No.01 of 2023, registered at Police Station Bozdar Wada and is present along with his Counsel, who has argued the case. His bail application has been opposed by Syed Sardar Ali Shah Rizvi, learned Additional Prosecutor General, who is present in Court in some other matters and has waived notice of this bail application. He has submitted that applicant had earlier filed a Criminal Bail Application No. S-593 of 2023 in the same crime before this Court, which was dismissed on merits on 02.10.2023. He did not challenge that order before the Supreme Court and has filed this second bail application for the same relief, which is, in view of case reported in **PLD 2021 Supreme Court 894**, is not maintainable.

2. On merits, he submits that main allegations are leveled against the applicant and this Court has already discussed the same in the order dated 02.10.2023. Learned defence Counsel has however submitted that he has filed this application on a fresh ground, as meanwhile, bail application of co-accused Sarfaraz has been granted by the trial Court.

3. I have considered submissions and perused material available on record. Earlier bail application of applicant in the same crime was dismissed by this Court on 02.10.2023 after considering, although tentatively, merits of the case. The fresh ground that meanwhile co-accused Sarfaraz has been granted bail does not appear to be attracted in the case of applicant, for role of applicant is quite different than the role of co-accused Sarfaraz. The main allegations have been leveled against the applicant, and he is stated to be the one, who promised falsely to the complainant to provide his son a Government job and had obtained Rs.15,00,000/- (Rupees fifteen lac) from him against such promise, which fact of the matter has already been discussed in the order dated 02.10.2023. No case therefore, insofar as extraordinary relief of pre-arrest bail is concerned, is made out in view of direct allegations against him.

4. Accordingly, the bail application is **dismissed** along with listed application. The observations, as above, are tentative in nature and not meant to affect merits of the case before the trial Court.

Abdul Basit

J U D G E