

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
 Crl. Bail Application No.S-548 of 2022  
 (*Abdul Sattar & others Vs. The State*)

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

**13-11-2023.**

Mr. Ghulam Shabbir Shar, advocate for the applicants.  
 Mr. Shabbir Ali Bozdar, advocate for the complainant.  
 Syed Sardar Ali Shah Rizvi Additional 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, caused fire shot injuries to complainant Faiz Muhammad, PW Sagheer Ahmed, Abdul Waheed and Shabbir with intention to commit their murder and then went away by making fires in air to create harassment, for that the present case was registered. On being involved in the present case, the applicants sought for pre-arrest bail which was declined to them by learned Additional Sessions Judge, Daharki, it is in these circumstances, they have sought for the same from this Court by way of instant application u/s 498-A Cr.P.C.

2. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case by the complainant party in order to satisfy its dispute over matrimonial affairs; the FIR of the incident has been lodged with delay of about two days and injuries sustained by the complainant, PWs Shabbir and Sagheer Ahmed, which are attributed to the applicants are not falling within prohibitory clause; therefore, the applicants are entitled to be admitted to pre-arrest bail on point of further inquiry and malafide. In support of his contention, he relied upon the case of *Javed Iqbal Vs. The State through Prosecutor General of Punjab and another* (2002 SCM 1424).

3. Learned Additional P.G for the State conceded to grant of bail to the applicants. However, learned counsel for the complainant opposed to grant of

pre-arrest bail to the applicants by contending that they are named in FIR with specific role.

4. Heard arguments and perused the record.

5. The FIR of the incident has been lodged with delay of about two days; such delay having not been explained plausibly could not be over looked; it is reflecting consultation and deliberation. Injuries sustained by the complainant and PWs Shabbir and Sagheer Ahmed are on their respective legs, which is non-vital part of their body; those even otherwise are not falling within prohibitory clause; the parties are already disputed over matrimonial affairs; the case has finally been challaned; it has proceeded and there is no allegation of misusing the concession of interim pre-arrest bail on the part of the applicants. In these circumstances a case for grant of pre-arrest bail in favour of the applicants on point of further inquiry malafide obviously is made out.

6. In case of *Meeran Bux vs. The State and others* (PLD 1989 S.C 347), it has been held by Hon'ble Apex Court that;

*".....Since the appellant remained on bail for more than one year before the bail was cancelled by the High Court without abusing the concession of bail in any manner and the reason given by the learned Session Judge for granting pre-arrest bail that the injury was on non-vital part of the body of 'the deceased i.e. thigh and was simple, was not without foundation, we would, therefore, in the circumstances, set aside the impugned order of the High Court and restore the order of the Sessions Judge granting the pre-arrest bail."*

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

8. The instant bail application is disposed of accordingly.

Judge

Nasim/P.A