

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-604 of 2023

(*Sohrab Khorkhani and others Vs. The State*)

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

28-11-2023.

Mr. Alam Sher Bozdar, advocate for the applicants.
Mr. Imam Bux Mahar, advocate for legal heirs of the deceased.
Mr. Shafi Muhammad Mahar, Deputy P. G for the State.

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IRSHAD ALI SHAH, J;-The facts in brief necessary for disposal of instant Bail Application are that an FIR was lodged by SIP Ghulam Habib on behalf of the State with PS Kandhra alleging death of an unknown person by sustaining burns injuries inside of the shop of Rafique Ahmed; subsequently, he was known by Nawaz to be his brother Shahnawaz; his relatives by seeking a direction u/s 22 A/B Cr.P.C joined the investigation whereby they implicated the applicants and others for committing the death of the deceased.

2. The applicants on being involved in above said case sought for pre arrest bail, it was declined to them by learned IIIrd Additional Sessions Judge/ (MCTC-II), Sukkur, it is in these circumstances, they have sought for the same from this Court by way of instant bail application under Section 498-A, Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the legal heirs of the deceased, who was thief and died on sustaining burns injury, when he went inside the shop of Rafique Ahmed to commit theft,

who was dealing with sale of liquid gas. By contending so, he sought for pre-arrest bail for the applicants.

4. Learned DPG for the State has recorded no objection to grant of pre-arrest bail to the applicants by contending that they on investigation have also been found to be innocent. However learned counsel for the legal heirs of the deceased have opposed to grant of pre arrest bail to the applicants by contending that they have committed death of innocent person in a very clandestine manner.

5. Heard arguments and perused record.

6. On failure of any of the relative to lodge FIR of the incident, it was lodged by SIP Ghulam Habibi on behalf of the State. It was with delay of about 02 days; yet it does not contain the name of any of the culprit involved in the incident, those were disclosed by the legal heirs of the deceased subsequently by joining the investigation, which appears to be result of deliberation and consultation. On investigation, the applicants have also been found to be innocent. The case has finally been challaned. The applicants have joined the trial and there is no likelihood of absconsion or tempering with the evidence on their part. In these circumstances a case for grant of pre-arrest bail to the applicants on point of further inquiry and malafide is made out.

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

Judge

Nasim/P.A