

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Crl. Misc. Application No.S-625 of 2023**  
*(Abdul Majeed Chohan Vs. Banhon Khan & another)*

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For Orders on office objection.
- 2. For hearing of main case.

**13-12-2023.**

Mr. Abdul Rehman Faruq Pirzada, advocate for the applicant.  
Mr. Muhammad Shakeel Lakho, advocate for the private respondent.  
Mr. Aftab Ahmed Shar, Additional P.G for the State.

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**Irshad Ali Shah, J;** The facts in brief necessary for disposal of instant Crl. Misc. Application are that the private respondent with rest of the culprits allegedly after having formed an unlawful assembly in prosecution of its common object besides insulting the applicant caused iron rod and lathi blows to PWs Abdul Wahab and Pervaiz and then went away by threatening the applicant of murder by pointing their pistols at him, for that the present case was registered. The private respondent on having been involved in the said case sought for pre arrest bail, it was granted to him by learned Vth Additional Sessions Judge Sukkur, which is sought to be cancelled by the applicant by way of instant Crl. Misc. Application u/s 497 (5) CrP.C.

- 2. It is contended by the applicant that learned trial Court has granted the pre arrest bail to the private respondent on the basis of improper assessment of the record; therefore, it is liable to be cancelled.
- 3. Learned APG for the State and learned counsel for the private respondent by supporting the concession of bail in favour of the private respondent have sought for dismissal of instant Crl. Misc. Application by contending that there is counter version of the incident.
- 4. Heard arguments and perused the record.

5. The FIR of the incident has been lodged with delay of about 13 days; such delay having not been explained plausibly could not be over looked, which reflects consultation and deliberation. The private respondent was granted bail by learned trial Court by making an observation that his case requires further inquiry, which is yet to be conducted. The parties are already disputed. The private respondent has joined the trial and there is no allegation of misusing the concession of pre arrest bail on his part; therefore, in such circumstances, it would be unjustified to cancel the pre arrest bail granted to him.

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 instant Crl. Misc. Application is dismissed.

**JUDGE**

Nasim/P.A.

