

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Misc. Application No.S-427 of 2023
(Gul Hassan Shaikh Vs. Mehmood & others)

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

12-12-2023.

Applicant Gul Hassan Shaikh in person.
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

Irshad Ali Shah, J; It is alleged by the applicant that the private respondents besides causing lathi blows to his wife Mst. Sehat Khatoon have caused him and his witnesses fists and kicks blows and then went away by insulting him. By making such allegation, he lodged an FIR with PS A-Section Ghotki. The private respondents on having been involved in such case sought for pre arrest bail by making such application, it was granted to them by learned IInd Additional Sessions Judge, Mirpur Mathelo vide order dated 08-05-2023, which is sought to be cancelled by the applicant by making the instant Crl. Misc. Application u/s 497 (5) CrP.C.

It is contended by the applicant that the private respondents have been granted pre arrest bail by learned trial Court without lawful justification; therefore, it is liable to be cancelled by this Court, which is opposed by learned APG for the State by supporting the impugned order.

Heard arguments and perused the record.

The FIR of the incident has been lodged with delay of more than four months; such delay having not been explained plausibly could not be over looked. The offence alleged against the private respondents is not falling within prohibitory clause. The parties are already disputed. There is no allegation of misusing the concession of pre arrest bail on the part of private respondents. In these circumstances, it would be unjustified to cancel the pre arrest bail granted to the private respondents.

In view of above, the instant Crl. Misc. Application is dismissed.

J U D G E