

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Appln: No.S-858 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objection
For hearing of main case

08.09.2023

Applicants are present on bail.
Mr. Muhammad Aamir Qureshi advocate for applicants.
Mr. Imran Ahmed Abbasi, A.P.G for the State.
Mr. Anjum Ahmed Siddiqui advocate along with complainant.

ZULFIQAR ALI SANGI, J:- Through this bail application, applicants Zeeshan Arain and Ahmed Hussain seek their pre-arrest bail in FIR No.65 of 2023, registered at PS City Hyderabad for offences under sections 506(2), 337-A(ii), 337-F(i),337-L(ii) and 34, PPC. After their bail application was declined by learned trial Court vide order dated 08.08.2023.

2. Since the facts of the prosecution case are already mentioned in F.I.R as well impugned order, therefore, there is no need to reproduce the same.

3. Learned counsel for applicants submits that applicants being innocent have falsely been implicated in this case by the complainant with malafide intention; that there is inordinate delay of about 26 days in registration of F.I.R, which has not been explained by the complainant; that all the sections are bailable except sections 337-A(ii) and 506(2), PPC, which provides punishment for five years and does not fall within prohibitory clause of section 497(i), Cr.P.C. He lastly submits that medical certificate is still under challenged and applicants are regularly attending the trial Court, therefore, he prayed for confirmation of interim pre-arrest bail of the applicants.

4. Conversely, learned A.P.G appearing on behalf of the State and counsel for the complainant opposed the confirmation of interim bail of the applicants on the grounds that applicants are nominated in FIR with

specific role of causing injuries to the complainant, hence they are not entitled for the confirmation of interim pre-arrest bail.

5. Heard and record perused with their able assistance.

6. Perusal of record it reflects that per medico legal certificate, only injury attributed to the present applicants/accused as 337-A(ii) PPC for which, the punishment is provided five years, which does not fall within the prohibitory clause of section 497, Cr.P.C, while rest sections are bailable. The F.I.R. is belated for about 26 days and no plausible explanation has been furnished by the complainant for such delay. The accused/applicants are attending the trial Court regularly and there is nothing available on record to show that they misused the concession of bail. The case has already been challaned before the competent Court of law and applicants are no more required by the police for further investigation. At bail stage, only tentative assessment is to be made. In these circumstances, I am of the view that the applicants have made out a case of further inquiry entitling them for confirmation of interim pre-arrest bail. Resultantly the instant bail application is allowed and ad-interim pre-arrest bail earlier granted to the applicants vide order dated 09.08.2023 is hereby confirmed on the same terms and conditions.

7. The applicants, who are present on interim bail has been confirmed as above, are directed to attend the learned Trial Court regularly if they fail to appear, the Trial Court would be at liberty to take action against them in accordance with law.

8. Needless to mention here that the observations made hereinabove are tentative in nature and will not prejudice the case of either party at the time of trial.

9. In the above terms, the instant bail application is disposed off.

JUDGE