

ORDER SHEET  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Cr. Bail App. No. S – 631 of 2023**

Date of hearing	Order with signature of Judge
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**For hearing of bail application**

1. For order on office objections at Flag-A
2. For hearing of bail application

**02.10.2023**

Mr. Muhammad Aslam Gadani, Advocate for applicant along with applicant, who has filed statement with a case diary of the trial Court.

Mr. Aftab Ahmed Shar, Additional Prosecutor General along with ASI Bashir Ahmed of Police Station Mirpur Mathelo.

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**Muhammad Iqbal Kalhoro, J.** – Complainant has alleged robbery of he-goat and she-goat at the hands of applicant and co-accused Attiullah and Saifullah on 13.07.2023 at 02:00 p.m. when he was grazing the cattle, the FIR of which he registered on 17.07.2023.

2. Applicant's Counsel submits that complainant and applicant party are on inimical terms. Complainant had already registered another FIR bearing Crime No.128 of 2023 against the applicant party.

3. Investigating Officer is present and submits that on the basis of previous criminal record of co-accused Attiullah, he submitted Challan in this case, and since complainant had nominated applicant, he referred him to the Court for a trial. Learned Additional Prosecutor General has opposed bail.

4. Perusal of the record shows that there is a delay of four (04) days in registration of FIR, which has not been explained. No recovery has been effected from any of the accused, although

accused Attiuallah was arrested before registration of FIR, in another FIR, that too was lodged by complainant. No proper investigation appears to have been conducted in this case. Merely on a word of complainant, applicant has been referred to the Court for a trial.

5. In these circumstances, *mala fide* on the part of complainant to implicate applicant cannot ruled out. Therefore, this application is **allowed** and ad-interim pre-arrest bail already granted to applicant, vide order dated 13.09.2023, is hereby **confirmed** on same terms and conditions.

6. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

The bail application stands **disposed of** in the above terms.

Abdul Basit

J U D G E