

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD**

Cr. Bail Application No. S- 390 of 2024

DATED ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.
For hearing of main case.

09.08.2024

Mr. Gaber Sindh Maheshwari, Advocate for applicant.

Mr. Irfan Ali Talpur, Asst. Prosecutor General, Sindh for State.

ZAFAR AHMED RAJPUT, J.- Through the instant bail application, applicant Ali Ghulam s/o Jewan Lashari seeks pre-arrest bail in crime No.75 of 2024, registered at P.S Tando Muhammad Khan, under section 506/2, 509, 341, 34, PPC. His earlier application for grant of concession bearing No.166 of 2024 was rejected by the learned 1st Additional Sessions Judge, TMK, vide order dated 17.04.2024. The applicant was admitted to ad-interim bail by this Court, vide order dated 19.04.2024, now he seeks confirmation of his interim bail.

2. As per prosecution case, on 26.03.2024 at 1600 hrs. at Nonari pump near Lakhat Stop, TMK, present applicant and co-accused Ghulam Hussain, both duly armed with pistols, in furtherance of their common intention, wrongfully restrained Mst. Naila w/o Babu Imran, the complainant, to prevent her from proceedings to her sister's house, and holding her hand, they insulted her by using abusive language and issued criminal intimidation to cause her death and to kidnap her; for that, they were booked in the aforementioned crime/FIR.

3. Heard and perused record.

4. It is an admitted position that earlier an F.I.R being Crime No.44 of 2024 u/s 365, 34, PPC was lodged at P.S B-Section, TMK by one Mst. Savera, the wife of co-accused Ghulam Hussain, against the brother of present complainant for abduction of said co-accused. The alleged offence under section 509 and

341, PPC are bailable, while alleged offence under section 506(2), PPC being punishable with imprisonment upto seven years does not fall within the prohibitory clause of Section 497, Cr. P.C. In such circumstances, grant of bail to an accused is a rule and its refusal is an exception. No exceptional circumstance appears to withhold the bail to applicant in this case. The present case also does not fall within the exception laid down by the Honourable Supreme Court of Pakistan in the case of *Tariq Bashir vs. The State* (PLD 1995 SC 34). There is no complaint of the applicant regarding misusing the concession of interim pre-arrest bail granted by this Court. Hence, instant bail application is allowed by confirming the interim pre-arrest bail granted to applicant vide order dated 19.04.2024 on same terms and conditions.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. In case the applicant, in any manner, tries to misuse the concession of bail, it would be open for the trial Court to cancel his bail after issuing him the requisite notice.

JUDGE

Hafiz Fahad