

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

Cr. Bail Application No. S- 639 of 2024

DATED ORDER WITH SIGNATURE OF JUDGE

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

12.08.2024

Applicants are present on interim pre-arrest bail.

Mr. Masood Illahi Sahito, Advocate for applicants.

Mr. Punjoo Ruplani, Advocate for complainant.

Ms. Sana Memon, Asst. Prosecutor General, Sindh for State.

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ZAFAR AHMED RAJPUT, J.- Through instant Cr. Bail Application, applicants Hameed s/o Uris Saheto, Muhammad Uris s/o Ahmed Saheto, Ahmed s/o of Uris Saheto and Imtiaz s/o Ahmed Saheto seek pre-arrest bail in crime No.38 of 2024, registered at police station Nindo District Badin, under section 506(2), 427, 504, 337-H(ii), 34 PPC. Their earlier application for grant of pre-arrest bail being Cr. Bail Application No.867 of 2024 was rejected by the learned Sessions Judge Badin, vide order dated 11.06.2024. The applicants were admitted to ad-interim bail by this Court, vide order dated 13.06.2024, now they seek confirmation of their interim bail.

2. As per prosecution case, on 05.06.2024 at 0800 hours, the applicant Hameed duly armed with gun while applicants Muhammad Uris, Ahmed and Imtiaz, all having hatchet in their hands, were cutting the trees of complainant's land and when they were restrained by the complainant party from doing so, accused Hameed made two (02) aerial fires and then the accused persons issued criminal intimidation to them for life and intentionally insulted them thereafter, on seeing the villagers coming they run away.

3. After hearing the learned counsel for the applicants, complainant as well as learned A.P.G. and perusing the material available on record with their assistance, it appears that after investigation, I.O submitted report u/s 173 Cr.P.C whereby he recommended the case under N.C class by deleting the Sections 506(2), 427 and 337-H(ii) PPC; however, the Judicial Magistrate concerned vide order dated 08.08.2024 declined such report and took cognizance. It further appears that the offence u/s 427, 504 and 337-H(ii) are

bailable while offence u/s 506(2) PPC is not bailable, yet the punishment provided for the said offence is imprisonment upto seven (07) years hence, the same does not fall within the prohibitory clause of Section 497 Cr.P.C. Had it been intention of committing any offence of Qatl-e-Amd or attempt to Qatl-e-Amd by the applicant Hameed, who was allegedly having in his possession a pistol, he would have made direct fire upon the complainant party. In these circumstances, the case of applicants squarely falls within the ambit of further enquiry as envisaged under sub-section (2) of Section 497 Cr.P.C entitling them for grant of bail. Consequently, instant bail application is allowed and the interim pre-arrest bail granted to the applicants vide order dated 13.06.2024 is confirmed on same terms and conditions.

4. 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 applicants in any manner try to misuse the concession of bail, it would be open for the trial Court to cancel their bail after issuing them the requisite notice.

JUDGE

Hafiz Fahad