

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

Criminal Bail Application No.S- 230 of 2024

16.09.2024.

Mr. Mashooque Ali Mahar, Advocate for applicants
alongwith applicants (on bail).

Ms. Sana Memon, A.P.G for State.

ORDER

ZAFAR AHMED RAJPUT, J.- Through instant Criminal Bail Application, applicants Molan Shah, Munawar Ali Shah, Syed Jabbar Ali Shah, Ali Hyder Shah, Waseem Ali Shah and Shahzaib Shah seek pre-arrest bail in Crime No.05/2023 registered at Police Station Amri for offences under Section 324, 506/2, 147, 148, 149, 504, 337-A(i), 337-A(i), 337-F(i), 337-F(vi), 337-L(ii) PPC. Their earlier application for the same relief bearing Cr.B.A.No.238 of 2023 was heard and dismissed by the learned Additional Sessions Judge, Sehwan vide order dated 23.02.2024. The applicants were admitted to interim pre-arrest bail by this Court vide order dated 04.03.2024. Now the matter is fixed for confirmation of the same or otherwise.

2. After hearing the learned counsel for the applicants as well as learned A.P.G and perusing the material available on record, it appears that the offence was allegedly committed on 14.08.2023 and the injured obtained medical certificate on 25.08.2023 but the FIR was lodged on 06.09.2023, after delay of eleven (11) days, hence the deliberation and consultation for implicating the accused cannot be ruled out. It further appears that injuries except one falling u/s 337-F(vi) PPC (Ghair Jaifah Daimah), are bailable under the schedule of offences while Section 337-F(vi) PPC, does not fall within the prohibitory clause of Section 497, Cr.P.C being punishable with imprisonment for 07 years. So far the application of Section 324, PPC is concerned, it is yet to be seen at trial after recording pro and contra evidence of the parties by the trial Court if the same attracts at all in the facts of the case. There is no complaint of misusing the concession of interim pre-arrest bail granted to the

applicants. Hence, instant bail application is allowed. Consequently, the interim pre-arrest bail already granted to the applicants vide order dated 04.03.2024 is hereby confirmed on same terms and conditions.

3. 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 applicants on merits. However, in case the applicants misuse the concession of bail in any manner whatsoever, the trial Court shall be at liberty to cancel the same after giving them notice, in accordance with law.

Criminal Bail Application stands disposed of.

JUDGE

Tufail