

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

Criminal Bail Application No.S-356 & 809 of 2024

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**DATE ORDER WITH SIGNATURE OF JUDGE**

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**18.09.2024**

M/s Abdul Majeed Lashari and Farhad Ali Abro advocates for applicants along with applicants on interim bail.  
Mr. Muhammad Saleem Laghari advocate for complainant.  
Mr. Irfan Ali Talpur APG.

**ZULFIQAR ALI SANGI, J.-** Through these bail applications the applicants seek pre-arrest bail in Crime No.43/2024 registered at P.S. Tando Jam U/s 397 PPC after their bail was declined by the learned Model Criminal Trial Court/1<sup>st</sup> Additional Sessions Judge Hyderabad vide order dated 27.03.2024.

2. The contents of FIR need not to be reproduced as the same are already mentioned in the memo of bail application.

3. Bail is sought only on the ground that there is delay of about 02 month and 09 days in registration of FIR and it has not been explained; that at the time of offence complainant and witnesses had not identified the accused persons as being muffled faces, therefore, they are entitled for confirmation of interim pre-arrest bail.

4. Counsel for complainant and APG opposed the bail on the ground that the applicants are nominated in FIR; that the delay has been explained by complainant as firstly he approached Nekmards and thereafter registered the FIR; that there appears a criminal record against the applicants, therefore, they are not entitled for confirmation of interim pre-arrest bail.

5. Heard learned counsel for the applicants, complainant and APG and perused the material available on record.

6. From perusal of record, it appears that incident took place on 10.01.2024 whereas FIR was registered on 19.03.2024 after 02 months and 9 days. Admittedly, it is mentioned in FIR that at the time of snatching the motorcycle the accused persons were muffled faces and in FIR no source in respect of involvement of applicants has been mentioned as to how the complainant came to know that the applicants had snatched the motorcycle from him. Though there appears a CRO against the applicants, however, there is no record that they were convicted in any other case. The offence for which the applicants are charged is

punishable not less than 07 years which does not fall within the prohibitory clause of section 497 Cr.P.C and in these cases grant of bail is right while refusal is an exception as has been held by the Honourable Supreme Court of Pakistan in the case of ***Muhammad Tanveer v. The State (PLD 2017 SC 733)***.

7. Under such circumstances, the applicants have made out their case for confirmation of interim pre-arrest bail. Hence, bail applications are allowed and the interim pre-arrest bail already granted to the applicants vide orders dated 15.04.2024 and 24.07.2024 respectively is confirmed on the same terms and conditions.

8. The observations made hereinabove are tentative in nature only for the purpose of deciding the instant bail application, which shall not, in any manner, influence the learned Trial Court at the time of final decision of the subject case.

**JUDGE**

Ali Haider