

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
Cr. B.A No.S-265, 266, 268 of 2024

Date	Order with signature of Judge
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1. For orders on office objection at flag `A`
2. For hearing of main case

13-05-2024

Mr. Ubedullah Ghoto, Advocate for the Applicants  
Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General

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1. Deferred.
2. Through **BA No.S-265/2024** Applicants Gulsher, Gaman Khan @ Gaman, Qutubuddin @ Qutub, Imam Bux, Laluddin, Maqsood Ahmed, Ali Anwar and Falaksher, all by caste Gabole seek pre-arrest bail in Crime No.369/2022, registered at Police Station A-Section Ghotki, u/s 365-B, 114, 506/2, 147, 148 and 149 PPC; while through **BA No.S-266/2024** applicant Falak Sher Gabole and through **BA No.S-268/2022** applicant Ali Anwar seek pre-arrest bail in Crime Nos.371 & 370 of 2022, registered at PS A-Section Ghotki, u/s 24 of Sindh Arms Act. Applicants were facing trial before II-Additional Sessions Judge Mirpur Mathelo. They were on bail, but on 20.04.2024, the learned trial court recalled their bail and issued NBWs against them due to their absence. Hence, they approached this court by filing these bail applications.

Learned counsel for the applicants submits that the interim bail granted to applicants has been confirmed by the trial court vide orders dated 03.11.2022; some of the applicants could not appear before the learned trial court on 18.04.2024, and their absence was condoned subject to proof, and the matter was fixed on 20.04.2024. However, per learned counsel, the applicant did not appear before the trial court due to a mistake in communicating the date of hearing, viz 20.05.2024. As far as absence on 18.04.2024 is concerned, learned counsel has drawn attention towards another FIR No.129/2023 registered at PS Sarhad was lodged against the applicants, and they were admitted on pre-arrest bail by this court vide order dated 18.04.2024 (available at page 79 of the court file).

Learned APG submits that since the learned trial court has recalled only the bail order and issued NBWs against the applicants, protective bail may be granted to the applicants to surrender themselves before the learned court and file an appropriate application to justify their absence.

In view of the above, these pre-arrest bail applications are converted into Protective Bail Application. The Applicants are granted

protective bail for a period of Five (5) days from the date hereof till the end of Court hours on 17.05.2024 or upon surrender of the applicants before the concerned Court, whichever is earlier, subject to furnishing solvent surety in the sum of Rs.10,000/- (Rupees Ten Thousand) each and a personal recognizance bond, in the like amount, to the satisfaction of Additional Registrar of this Court. Meanwhile, the operation of NBWs, if any, shall remain suspended till the intervening period. It is clear that if the applicants fail to surrender before the concerned court in five (05) days, their bail bonds shall be automatically forfeited.

The above Criminal Bail Applications stand disposed of accordingly. Office is directed to place a signed copy of this order in the captioned connected bail applications.

JUDGE

Sulemen Khan/PA

