

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Bail Application No.S-329 of 2024

DATED **ORDER WITH SIGNATURE OF JUDGE(s)**

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

23.09.2024

Mr. Rasool Bux Soomro, Advocate along with applicants Sajjad Hussain, Muharram and Meer Muhammad.
Mr. Abdul Majeed Magsi advocate along with complainant.
Ms. Sana Memon Asst. Prosecutor General, Sindh for State.

ZAFAR AHMED RAJPUT, J.- Through the instant bail application, applicants (1) Sajjad Hussain s/o Ghulam Ali Laghari, (2) Muharram s/o Abdul Hakeem Laghari and (3) Meer Muhammad s/o Mevo Khan seek pre-arrest bail in Crime No.185 of 2023, registered at PS Shaheed Fazul Rahu, District Badin, under sections 354-A, 147, 148, 149, 506(2) and 509, PPC. Their earlier application being Cr. Bail Application No.2202 of 2023 for the same relief was heard and dismissed by the learned 2nd Additional Sessions Judge, Badin vide order dated 13.12.2023. The applicants were admitted to ad-interim bail by this Court, vide order dated 02.04.2024, now the matter is fixed for confirmation or otherwise.

2. As per prosecution case, on 20.11.2023 the complainant, her husband, her mother and her relative returned home where they saw Ghulam Ali (father-in-law of the complainant), (2) Meer Muhammad s/o Mevo Khan (3) Sajjad Hussain s/o Ghulam Ali (4) Muharam s/o Abdul Hakeem and (5) Imran s/o Meer Muhammad Laghari duly armed with weapons, who assaulted on the complainant party and beat up and ripped her cloths leaving her naked. For that aforementioned FIR was recorded against the accused persons.

3. After hearing the learned counsel for applicants, the complainant as well as learned A.P.G and perusing the material available on record with their

assistance, it appears that co-accused Ghulam Ali has been admitted to post arrest bail by the learned trial Court i.e. 2nd Additional Sessions Judge, Badin vide order dated 11.05.2024 passed in Sessions Case No.44 of 2024, while co-accused Muhammad Imran has also been admitted to pre-arrest bail by this Court vide order dated 26.04.2024 passed in Cr. Bail Application No.S-73 of 2024. It further appears that the allegations against the present applicants/accused are general in nature and no specific role has been assigned to any of the applicants/accused regarding commission of offence under section 354-A, PPC. The case of present applicants is almost on the same footing as that of above named accused persons, who have already been granted post arrest and pre-arrest bail. In such circumstances, grant of bail to an accused is a rule and its refusal is an exception. There is no exceptional circumstance appears to with hold the bail to applicants 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)*. The challan has already been submitted before the competent Court of law and there is no complaint of the applicants regarding misusing the concession of interim pre-arrest bail granted by this Court. The applicants were admitted to ad-interim pre-arrest bail on 02.04.2024 and since then they are attending the trial Court regularly. Hence, the instant Cr. Bail Application is allowed and the interim pre-arrest bail already granted to the applicants vide order dated 02.04.2024 is hereby confirmed on same terms and conditions.

This Criminal Bail Application stands disposed of.

JUDGE