

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

Criminal Bail Application No.S-1315 of 2023

Applicant : Dost Muhammad through Mr. Mian Taj Muhammad Keerio, Advocate.

Complainant : None present despite notice having been issued.

State : The State through Ms. Rameshan Oad, Asst. P.G Sindh.

Date of hearing : **12.01.2024**

Date of Order : **12.01.2024**

**O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant bail application, the applicant/accused above named seeks his pre-arrest bail in Crime No.322 of 2023, under sections 337-F(vi), 337-L(ii), 504, 34 P.P.C registered at P.S Kazi Ahmed District Shaheed Benazirabad, after his bail plea was declined by the learned Additional Sessions Judge-IV, Shaheed Benazirabad, vide order dated 06.11.2023.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicant has mainly contended that the applicant / accused is innocent and has falsely been implicated in this case; that F.I.R is delayed for about 22 days for which no explanation has been furnished by the complainant; that after obtaining false medical certificate from the doctor, the complainant has manipulated the whole story with due deliberation and the lodged the present F.I.R against the present applicant/accused; that applicant has joined the investigation and is no more required for further investigation as well as is regularly appearing before the trial Court. He lastly prayed for confirmation of bail.

4. On the other hand, learned Assistant Prosecutor General, Sindh has vehemently opposed for grant of bail to the applicant/accused.

5. I have heard learned counsel for the applicant, the learned Assistant Prosecutor General, Sindh and gone through the record available.

6. Admittedly the F.I.R is delayed for 22 days for which no plausible explanation has been furnished by the complainant party. Learned counsel for the applicant / accused has pointed out that after manipulating the false story the complainant has lodged the F.I.R. However, it is yet to be seen as to whether the offence has been committed unless the evidence is to be recorded. In these circumstances, the case of the applicant/accused falls within the ambit of sub-section (2) of section 497 Cr.P.C. Learned counsel for the applicant/accused has pleaded malafide on the part of the complainant for false implication of the applicant/accused in this case which cannot be ruled out, therefore, the bail application is allowed. Consequently, the interim pre-arrest bail granted to the applicant/accused by this Court vide Order dated 04.12.2023, is hereby confirmed on the same terms and conditions. The applicant/accused is directed to attend the learned Trial Court regularly if, the applicant/accused fails to appear the Trial Court would be at liberty to take actions against him in accordance with law.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

**JUDGE**

*\*Hafiz Fahad\**