

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No. S -753 of 2023
(*Shah Nawaz & others Vs. The State*)

Hearing of bail application

1. For orders on office objection at flag 'A'
2. For orders on MA No.6532/2023 (Ex.A)
- 3 For hearing of bail application

26-02-2024.

Mr. Sundar Khan Chachar, Advocate for the Applicant

Mr. Arif Ali Abbasi, Advocate for Complainant

Mr. Aftab Ahmed Shar, Additional P.G for the State.

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Irshad Ali Shah, J;- It is alleged that the applicants with rest of the culprits in furtherance eof their common intention committed murder of Baz Muhammad by causing him kicks fists and lathi blows after declaring him to be *karo* with Mst. Robina and Rozina, for that the present case was registered.

2. The applicants on having been refused pre-arrest bail by learned 1st. Additional Sessions Judge/ MCTC-I, Sukkur have sought for the same from this Court by way of instant Crl. Bail Application under Section 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the complainant party and death of the deceased remained undetermined, therefore, the applicants are entitled to be admitted to pre-arrest bail on point of further inquiry and mala fide, which is

opposed by learned Addl. PG for the State and learned counsel for the complainant by contending that a young man has been done to death under the allegation of *karap*.

4. Heard arguments and perused the record.

5. The FIR of the incident has been lodged with delay fo about two days and such delay having not been explained plausibly could not be overlooked. Death of the deceased has remained undetermined which appears to be surprising. The case has finally been challaned. The applicants have joined the trial and there is no allegation of misusing the concession of interim pre-arrest bail on their part. In these circumstances, a case for grant of pre-arrest bail to the applicants on point of further inquiry and mala fide obviously is made out.

6. In view of above, interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

7. The instant bail application is disposed of accordingly.

Judge