

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No. S -882 of 2023
(*Muhammad Nawaz and others Vs. The State*)

Hearing of bail application

1. For orders on office objection at flag 'A'
2. For orders on MA No.7474/2023 (Ex.A)
3. For hearing of bail application

26-02-2024.

Mr. Nusrat Hussain J. Memon, Advocate for the Applicants

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

>>>>...<<<<<

Irshad Ali Shah, J;- It is alleged that the applicants with rest of the culprits after having formed an unlawful assembly in prosecution of its common object by making trespass into house of complainant Muhammad Akram, caused hatchet and lathi injuries to him and his witnesses Muhammad Aslam, Ali Murad and Ikram, for that the present case was registered.

2. The applicants on having been refused pre-arrest bail by learned Additional Sessions Judge/ MCTC, Ubauro have sought for the same from this Court by way of instant application u/s 498 CrPC.

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 in order to satisfy with him his old enmity; FIR of the incident has been lodged with delay of seven days and there is counter-version of the incident, therefore, the

applicants are entitled to be admitted to pre-arrest bail on the point of further inquiry and malafide, which is opposed by learned Additional PG for the State by contending that they have actively participated in commission of the incident.

4. Heard arguments and perused record.

5. FIR of the incident has been lodged with delay of about seven days such delay having not been explained plausibly could not be overlooked. Offence alleged against the applicant is not falling within the prohibitory clause of Section 497(2) CrPC. There is counter version of the incident, which party is aggressor and which party is aggressed upon, it requires determination at trial. Parties are already inimical with each other. 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 malafide 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