

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl.B.A.No. S – 76 2024

Date

Order with signature of Judge

For Hearing of Bail Application.

-

01.04-2024.

Mr.Zulifqar Ali Jalbani Advocate alongwith applicant Muhamamd Aslam Pitafi.

Mr.Abdul Majid Qureshi Advocate for complainant.

Mr.Shafi Muhammad Mahar DPG.

-

ORDER.

ZULIFQUAR ALI SANGI, J- Applicant Muhammad Aslam has sought pre-arrest bail in Crime No. 358/2023 of Police Station 'A' Section, District Ghotki, registered under sections 395, 302, 337H/2, PPC. The applicant was granted interim pre-arrest bail vide order dated 02.02.2024 and today his bail application has been fixed for confirmation or otherwise.

2 Since the facts of the prosecution case have already been mentioned in the bail order as well as in the memo of bail application, therefore there is no need to repeat the same.

3. Learned counsel for the applicants contended that the applicant is innocent and has been falsely implicated in this case by the complainant with malafide intention and ulterior motive as his name does not transpire in the FIR but his name was given in statement recorded under Section 162, Cr.PC on 10.12.2023 after the delay of 02 months and 10 days which does not indicate the source of identification or role has been assigned to him.

3. Learned counsel for the complainant has not been able to controvert the contention raised by the learned counsel for the applicant; however he has opposed the bail application while learned DPG appearing for the State has conceded for confirmation of interim bail already granted to the applicants.

4. Since the name of applicant does not transpire in the FIR and he was named in 162 Cr.P.C statement recorded after a delay of 02 months and 10 days on 10.12.2023 in which no source of identification or role has been assigned to the applicant, therefore in such circumstances the applicant has been able to make out a case for confirmation of interim pre-arrest bail. Consequently, this bail application is allowed and the interim pre-arrest bail already granted to the applicant on 02.02.2024 is hereby confirmed on same terms and condition.

Cr.B.A.No. S – 76 of 2024 stands disposed of in above terms.

JUDGE

Akber.