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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Bail Appln. No.S-14 of 2014.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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- 1.For orders on office objection as Flag 'A'
- 2.For Hearing.

28.3.2014.

Mr. Mohammad Afzal Jagirani, advocate for the applicant.

Mr. Imtiaz Ali Jalbani, A.P.G.

Applicant/accused Abdul Wahab seeks pre arrest bail in Crime No.122 of 2013 registered against the applicant/accused and others for offences punishable under section 337-A(i), F(i), 506/2, 147, 148, PPC at Police station Sadar Jacobabad.

Brief facts of the prosecution case as disclosed in the FIR are that the allegations against the applicant is that he inflicted lathi blow upon the head of his wife Mst. Mumtaz and remaining accused caused fists and kicks blows. The FIR was registered against six accused persons. The applicant/accused and five others applied for pre arrest bail before learned Sessions Judge, Jacobabad. Interim pre arrest bail was confirmed to the remaining accused, however, pre arrest bail was declined to the applicant/accused by order dated 1st. October, 2013. Thereafter, he has approached this Court.

Learned advocate for the applicant/accused mainly contended that the applicant/accused has dispute with complainant Mohammad Rafique over the construction of the wall. Prior to this case, the complainant had also lodged FIR No.130/2013 at Police Station Saddar under section 395, PPC, the same was disposed of in 'C' class. Lastly it is argued that the alleged offence does not fall within the prohibitory clause of section 497(1), Cr.P.C. In support of his contention he has made his reliance to the case reported as Mitho and another versus The State 2005 YLR 169.



Learned A.P.G has pointed out that the case has also been challaned and he conceded to the contention raised by the learned advocate for the applicant and recorded no objection to the concession of the bail to the applicant/accused.

I am inclined to confirm the interim pre arrest bail already granted to the applicant for the reasons that prior to this case complainant had also lodged an FIR bearing Crime No.130/2013 at Police Station Saddar under section 395, PPC and the same was disposed of in 'C' class. It is also argued that there is dispute between complainant and the accused. The alleged offence does not fall within the prohibitory clause of section 497(1), Cr.P.C. Serious malafide on the part of the complainant and police have been alleged. Rightly reliance has been placed upon the case of Mitho and another versus The State 2005 YLR 169. Learned A.P.G has also recorded no objection, therefore, interim pre arrest bail already granted to the applicant/accused is hereby confirmed on the same terms and condition.

Judge 28/3