

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Crl. B.A No. S- 493 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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02.03.2015


Mr. Habib Rehman Shaikh, advocate for applicant along with applicant.
Mr. Khadim Hussain Khooharo, DPG.

Applicant/accused Shabir Ahmed seeks pre-arrest bail in Crime No.31/2013 registered at Police Station New Foujdari, Shikarpur. Applicant Shabir Ahmed applied for pre-arrest bail before the learned Sessions Judge, Shikarpur which was rejected vide order date 03.4.2013.

Learned counsel for the applicant has mainly contended that this is a case of counter version; accused party had also lodged F.I.R No.48/2013 at Police Station New Foujdari, Shikarpur regarding the same incident. It is submitted that co-accused have been acquitted by the trial Court by way of compromise. It is argued that after grant of interim pre-arrest bail applicant has joined investigation; case has already been challaned and alleged offence does not fall within the prohibitory clause of section 497, Cr.P.C.

Learned DPG opposed the bail application on the ground that no serious mala fides on the part of complainant or police has been alleged.

I am inclined to confirm interim pre-arrest bail granted to the applicant/accused for the reasons that this is case of counter version, yet it is to be determined which party is aggressor; the injury attributed to the applicant/accused has been declared as Shajjah-i-Mudihah; co-accused have been acquitted by way of compromise. It is submitted that co-accused are brothers of applicant; alleged offence does not fall within the prohibitory clause of section 497, Cr.P.C. In such cases it is universal principle that grant of bail is a rule and refusal is an exception. Serious malafides on the part of police have been



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alleged. Therefore, a case for grant of pre-arrest bail to the applicant/accused is made out. In the circumstances, interim pre-arrest bail already granted to the applicant/accused is hereby confirmed on the same terms and conditions.

1. For Order on M.A. 2247/15 (M.A.)
2. For Order on M.A. 2111/2015 (S.B.V.-A)
Judge 2/3
Report of Accountant as flay (B)
~~notice issued to Security Counsel~~