

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.D-06 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For hearing of main case.

28.04.2021

Mr. Javed Ahmed Chhatari, Advocate for applicant a/w applicant.
Mr. Muhammad Hashim Leghari, Advocate for complainant.
Mr. Fayyaz Ahmed Sabki, Assistant Prosecutor General, Sindh
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It appears that interim pre-arrest bail was granted to applicant / accused Khalil-ur-Rehman by the learned incharge Judge ATC-I, Hyderabad vide order dated 19.12.2020. Thereafter, application was submitted on behalf of applicant that he suffers from COVID-19. Learned Judge ATC had observed that after grant of interim pre-arrest bail, applicant / accused deliberately avoided to appear before the trial Court for confirmation of bail or otherwise. Thus concession of interim pre-arrest bail was re-called vide order dated 13.01.2021. In the above stated circumstances, the applicant / accused Khalil-ur-Rehman has filed this application for pre-arrest bail.

At the very outset, learned advocate for applicant / accused submitted that the learned Judge ATC has not decided the application for pre-arrest bail on merits but disposed of on technical grounds.

Learned A.P.G assisted by learned counsel for the complainant have also been heard. In our considered view, after grant of interim pre-arrest bail, trial Court was required to decide the application for pre-arrest bail on merits and technicalities should have been avoided. After hearing the learned counsel for

the parties, this bail application (Criminal Bail Application No.D-06 of 2021) is converted to an application for protective bail. Office is directed to assign number to it.

Without touching the merits of the case, applicant / accused Khalil-ur-Rehman is granted protective bail in crime No.131/2020 registered at P.S A-Section Tando Allahyar for offences u/s 302, 147, 148, 149 PPC r/w Section 6/7 of ATA, 1997, for a period of five (05) days from today, subject to furnishing his solvent surety in the sum of Rs.500,000/- (Rupees five lac) and P.R Bond in the like amount to the satisfaction of Additional Registrar of this Court. At this stage, learned advocate for the applicant submits that applicant has already furnished surety at the time of grant of interim pre-arrest bail by this Court, the same may be accepted. Orders accordingly. Applicant / accused is directed to surrender before the trial Court within the aforesaid period.

This order shall cease to have its` effect on expiry of five (05) days from today or whenever the applicant surrenders himself before the trial Court whichever is earlier. It is made clear that in case applicant / accused fails to surrender before the concerned Court within stipulated period, his bail bond shall stand forfeited automatically.

Bail application stands disposed of in above terms.

JUDGE

JUDGE