

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.**

Criminal Bail Application No.S-1276 of 2024

Applicants : Muhammad Yaqoob, Imran Ali and Imdad Ali through Mr. Irfan Ali Khaskheli, Advocate.

Respondent : The State through Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Complainant : Allah Dino through Mr. Ghulam Murtaza Soomro, Advocate.

Date of hearing : 16.01.2025.

Date of Order : 16.01.2025.

ORDER.

Amjad Ali Sahito, J:- Through instant bail application, the applicants/accused namely, Muhammad Yaqoob, Imran Ali and Imdad Ali seek pre-arrest bail in Crime No.87/2024, registered at Police Station KHudabad for the offence under section 506 (2), 504, 337-A (i), 337-F (i), 337-F (vi), 337-L (ii), 34 PPC. Earlier the bail plea of the applicants/accused was declined by the learned Additional Sessions Judge-II, Dadu vide order dated 20.11.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicants contends that the applicants are innocent and have falsely been implicated in this case due to enmity; that the FIR has been lodged with delay of about 2/3 days and no plausible explanation has been furnished; that both the parties have lodged FIRs against each other and there was free fight and it is yet to be determined at the trial that which party was the aggressor and which party was aggressed upon. He further contends that the offence, with which the applicants/accused is charged, does not come within the ambit of prohibitory clause of section 497 (1) Cr.P.C. He further contends that, the complainant Allah Dino, Nazeer Ahmed, Muneer Ali and Muhammad Juman who are involved in crime No.88/2024 lodged by the applicant party have admitted to pre-arrest bail by the learned trial Court. He further contends that the challan has been submitted and applicants/accused are no more required for further investigation. He, therefore, submitted that the interim pre-arrest bail granted to the applicants/accused may be confirmed. In support of his contentions,

learned counsel has relied upon the case of MUHAMMAD IJAZ v. The STATE and others [2022 SCMR 1271].

4. On the other hand, learned A.P.G. Sindh and learned counsel for the complainant have opposed the confirmation of bail to the applicants/accused.

5. Heard and perused the record.

6. Upon perusal of the record, it reflects that both the parties have lodged FIRs against each other being Crime Nos.87 and 88 of 2024 registered at PS Khudabad. The complainant Allah Dino, Nazeer Ahmed, Muneer Ali and Muhammad Juman have been admitted to pre-arrest bail by the learned trial Court in crime No.88/2024 lodged by the applicant party. The offence in which the applicants/accused are charged does not fall within the ambit of prohibitory clause of section 497 Cr.P.C. Grant of bail is rule and refusal is an exception. There was free fight between the parties and it is yet to be seen at the trial after recording evidence of the parties as to which party is aggressor and which party is aggressed upon. There is no complaint with regard to misuse of the concession of bail by the applicants. The investigation has been completed and the applicants are no more required for further investigation. It is also a well-established legal principle that at the bail stage only a tentative assessment of the case is to be made.

7. In view of the above facts and circumstances, learned counsel for the applicants has succeeded to make out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. Consequently, instant criminal bail application is **allowed** and resultantly, interim pre-arrest bail already granted to the applicants is hereby **confirmed** on the same terms and conditions as laid down in the order dated 29.11.2024.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE