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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
1st CrI. Bail Appln. No.S-182 of 2016

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|-----------------|-------------------------------|
| DATE OF HEARING | ORDER WITH SIGNATURE OF JUDGE |
|-----------------|-------------------------------|

07.11.2016.

1. For orders on office objections.
2. For hearing.

Mr. Saeed Ahmed Panhwar, advocate for applicants, alongwith applicants.

Mr. Khadim Hussain Khooharo, DPG.

Vide order 12.4.2016, applicants Arbab and Pisand Ali, both by caste Naich, were admitted to interim pre-arrest bail in Crime No.31/2016, registered at Police Station K.N. Shah, District Dadu, under Sections 506/II, 452, 504, 34, PPC, which is fixed today for confirmation of otherwise.

Allegation against the applicants is that 19.3.2016, at about 8.00 a.m. they alongwith co-accused Anwar intruded into the house of complainant Inayat Ali Naich and allegedly hurled abuses and inflicted danda, blunt-side hatchet and butt blows to the complainant on various parts of his body and also extended him threats of dire consequences.

Learned Counsel for the applicants contended that there is delay of 13 days in lodgment of F.I.R, for which no plausible explanation has been furnished by the complainant. He further contended that both parties are related to each other and there is dispute over matrimonial affairs between them, due to which the complainant with malafide intention and ulterior motives has implicated all the male members of one and same family, as the applicants are father and son respectively and co-accused Anwar is also real brother of applicant Arbab. He further contended that the case against the applicants requires further enquiry, therefore, they are entitled to concession of pre-arrest bail.

Learned DPG conceded to the above factual position and raised no objection for confirmation of interim pre-arrest bail to the applicants.

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Admittedly, there is delay of 13 days in lodgment of F.I.R., for which no plausible explanation has been offered by the complainant. The applicants/accused and the complainant appear to be related to each other, hence the contention of learned Counsel for the applicants that there is matrimonial dispute between them, carries weight. The case against the applicants, who are father and son respectively, needs further probe. The learned DPG, looking to such factual position, has also conceded for confirmation of interim pre-arrest bail already granted to the applicants. Accordingly, the instant bail application is allowed and the interim pre-arrest bail earlier granted to the applicants is hereby confirmed on same terms and conditions.

This bail application stands disposed of.



JUDGE

For Direction / Matter Disposed of

- ① For orders on M.A. No. 133/19 4/A
② For orders on M.A. No. 134/19 E/A
③ For orders on M.A. No. 135/19 (S61-A)

Accountant Report as flag B

14.1.2019.

Applicant/surety Rahib Ali Naich in person.

1. Granted.
2. Granted with all just exceptions.
3. Notice to APG, by 31.1.2019.