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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 60 of 2015.

Date of hearing	Order with signature of Judge
28.10.2015.	

1. For Orders on letter of Sessions Judge, Jacobabad, Flag-"B".
2. For orders on office objections.
3. For hearing.

Mr. Rafique Ahmed K. Abro, Advocate for applicants.
Mr. Ahmed Hussain Khoso, Advocate for complainant.
Mr. Khadim Hussain Khooharo, D.P.G.

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1. Perusal of letter received from learned Sessions Judge, Jacobabad, reflects that after grant of interim pre arrest bail by this Court all the applicants/ accused joined the trial in Sessions case No.207/2015 before learned Sessions Judge, Jacobabad, however two of them, namely, Mumtaz Ali and Ahmed Ali have remained absent without intimation since 11.8.2015, therefore, the learned Sessions Judge, has requested that surety papers may be sent to him for taking action against the surety of accused. In the circumstances, interim pre arrest bail granted to accused Mumtaz Ali and Ahmed Ali stands cancelled. Office is directed to sent surety papers of these accused to trial Court for taking action against their surety.

2. Over-ruled.

3. Through instant application, applicants seek pre arrest bail in crime No.53 of 2014, registered with P.S Dilmurad of District Jacobabad, for offences punishable under Sections 324, 436, 506 (2), 440, 148, 149 P.P.C.


It is alleged that applicants armed with deadly weapons caused direct fire shots.

Counsel for the complainant vehemently opposed this bail application and he referred 2011 P.Cr.L.J 601. It is settled principle of



law that in criminal cases each and every case is to be decided on its peculiar facts and circumstances, hence citation relied upon by learned counsel for complainant is not applicable to the instant case.

Perusal of record reflects that civil dispute between the complainant and accused is admitted. Admittedly, no one received any injury. However, it is alleged that damage was caused to the property of complainant. Since, applicants are attending the trial Court; they are not required for further investigation; allegations of malafide arrest cannot be ruled out. Moreover, instant case requires further probe. Accordingly, pre arrest bail already granted to applicants Liaquat Ali, Pehliwan, Nazeer Ahmed, Mehboob Ali, Pandhi Khan, Karim Bux, Nisar Ahmed and Ghous Bux is hereby confirmed on same terms and conditions, whereas interim pre arrest bail granted to applicants Mumtaz Ali and Ali Ahmed already stands cancelled.

  
Judge