

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

Criminal Bail Application No.S-933 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing

12.01.2018.

Mr. Rashid Ali Khan, Advocate, alongwith applicants.

Mr. Hussain Bux Solangi, Advocate for complainant.

Syed Meeral Shah A.P.G. for the State.

ABDUL MAALIK GADDI, J: Applicants are present on present on interim pre-arrest bail granted to them by this Court vide order dated 27.10.2017. Today this bail application is fixed for confirmation or otherwise.

The allegation against the applicants, per F.I.R is that on 11.09.2017 at 2130 hours, applicant/accused Parvaiz having spade, Ameer Bux having hatchet, Shahbaz having hatchet and Ibrahim armed with pistol waylaid complainant party before the house of accused Ibrahim and on instigation of accused Ibrahim, accused Parvaiz caused two spade blows over the head of Amjad while accused Shahbaz caused sharp side hatchet blows over his head and accused Ameer Bux caused blunt side hatchet blow to Amjad over his left shoulder. It is further alleged by the complainant that the accused persons, thereafter took the injured to their house and bolted him from inside therefore he went to the Nekmards and complained such facts meanwhile the accused party called the police and handed over the injured Amjad to the police and lodged F.I.R. No.225 of 2017 u/s 456-PPC. It is alleged by the complainant that when he went to Taluka Hospital Tando Adam; he found the injured in the Hospital wherefrom he was referred to Civil Hospital Hyderabad.

It is contended by the learned Counsel for applicants that the applicants/accused are innocent and has falsely been implicated in the subject crime No.254/2017 registered at P.S Tando Adam City for offences under sections 324,

337-A(i)(iv),F(ii),114, 506(2) AND 34 PPC by the complainant due to previous enmity between the parties. He further submits that this case is outcome of enmity and counter version of the case under Crime No.225/2017 of P.S Tando Adam City. He further submits that the injuries attributed to the applicants have not been declared by the doctor as dangerous and accused are attending the trial court without any substantial progress in the matter. He further submits that the complainant party had already been granted bail by the trial court and it is yet to be determined at the time of trial which party is aggressor. Under these circumstances, he prays for bail.

Learned Additional Prosecutor General Sindh assisted by learned Counsel for the complainant has opposed the bail application on the ground that the names of the applicants are mentioned in the F.I.R. with specific allegations that at the time of incident these accused have caused injuries at the various parts of the body of complainant.

I given my anxious thoughts to the contentions raised at the bar and have perused the record. It is an admitted fact that there is dispute in between the parties over passing the path of the house of the accused and in this regard parties are already in litigation of civil cases pending in Senior Civil Judge Tando Adam. It has also come on record that there are two FIRs of the same incident, one lodged by present complainant against the present applicants/accused in which the complainant party have been granted bail, whereas present accused are appearing before this Court. It also appears from the record that both the parties have caused injuries to each other, therefore, it is yet to be determined at the time of trial which party is aggressor. Nothing is on the record that the injuries attributed to injured Amjad have been declared dangerous by doctor. It has been pointed out by the learned A.P.G that the case has been challaned and these accused are no more required for further investigation.

Under the circumstances, the applicants have made out a case for confirmation of bail. I, therefore, confirm the interim pre-arrest bail already granted to the

applicants by this Court on 27.10.2017 on the same terms and conditions with direction to the applicants to appear before the Trial Court to face the trial. Since it is injury case, therefore, learned trial court is directed to proceed the matter expeditiously and decide the same within the period of three months under the intimation to this Court.

Bail application disposed of.

JUDGE

A.H.

