

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

Criminal Bail Application No.S-139 of 2019

---

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
-------------	--------------------------------------

---

Bail Before Arrest

1. For orders on office objection
2. For hearing of main case

**09.08.2019.**

Mr. Mazhar Ali Laghari, Advocate for applicants along with applicants.

Mr. Nazar Muhammad Memon, Addl.P.G.

Complainant present in person.

-:-

By means of this application, Applicants are seeking pre-arrest bail in Crime No.47/2019 of P.S Badin, under section 324, 147, 148, 149, 504, 337 A(i), 337 F(i), PPC.

2. Complainant in the F.I.R. has alleged that the applicants are on inimical terms with him over a dispute on agricultural land and on the day of incident viz. 23.01.2019 at 1500 hours on his agricultural land situated in Deh Bhoki Taluka Badin, the applicants duly armed with hatchets arrived and caused several injuries to him and P.Ws namely Muhammad Hanif and Qadir Bux.

3. Learned Counsel for the applicants has pleaded for confirmation of interim pre-arrest bail on the ground that applicants are innocent and have been falsely implicated in this case and there are counter cases lodged by the parties which would make the case against the applicants to be one of further inquiry.

4. On the other hand learned Additional Prosecutor General Sindh and complainant, who is present in person, have opposed grant of bail to the applicants.

5. I have considered submissions of parties and perused material available on record. In the F.I.R. applicants are nominated and have been assigned specific role of causing sharp side hatchet injuries to not only complainant but P.Ws Muhammad Hanif and Qadir Bux as well, which, as per medico legal certificate are serious in nature and fall within prohibitory clause u/s 497, Cr.P.C. The relief of pre-arrest bail is extraordinary which is extended to an accused when he is able to establish that he has been implicated on trumped up charges and there is apparent mala fide on the

part of the complainant to implicate him or he is being hounded by the police with ulterior motives. However, in the present case apparently no such grounds are available to the applicants. Therefore, I find the applicants not entitled to extraordinary relief of pre-arrest bail. Consequently, the application in hand is dismissed and ad-interim pre-arrest bail earlier granted to the applicants vide order dated 07.02.2019 is hereby recalled. The observations hereinabove are, however, tentative in nature and shall not prejudice case of either party before the trial court.

JUDGE

Ali Haider