

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

Criminal Bail Application No.S-654 of 2021.

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For orders on office objections.

For hearing of main case.

03.12.2021.

Mr. Imtiaz Ali Chanhio advocate for the applicants.

Ms. Sana Memon, Assistant Prosecutor General.

Mr. Abdul Hameed Bajwa advocate for complainant.

Applicants are present on ad-interim pre-arrest bail.

**ORDER**

MUHAMMAD IQBAL KALHORO, J:- Applicants are stated to have caused injuries to complainant Muhammad Asif allegedly on dispute over agricultural land on 27.07.2021 at the land of complainant. Applicant Muhammad Bux caused lathi below on his left shoulder which has resulted into an injury under Section 337-F(v) PPC punishable for five years. Whereas applicant Gul Hassan armed with iron rod is alleged to have caused injury on back of complainant which has resulted into an injury falling under Section 337-L(ii) PPC punishable for two years and is bailable.

Learned defence counsel has pointed out to a civil litigation between the parties; delay in registration of FIR and fact that injuries are on non-vital part of the complainant in his arguments to press for bail.

Whereas learned counsel for complainant has opposed bail stating that there is no proof of civil litigation; PWs have supported the case in their statement under Section 161 Cr.P.C; specific role is assigned to each accused and there is no malafide on the part of complainant.

Learned APG has not opposed bail to applicant Gul Hassan stating that only minor injuries are attributed to him but has opposed bail to applicant Muhammad Bux. I have considered submissions of the parties and perused the material available on record. Applicant Muhammad Bux has been assigned only one injury that is on non-vital part of complainant,

is only punishable for five years and does not fall within the prohibitory clause of Section 497 Cr.P.C. whereas applicant Gulam Hussan has been assigned an injury which is minor in nature and is bailable. Learned APG has opposed bail to only Muhammad Bux, but the fact that injury is not on vital part of body of complainant and there is no allegation of him repeating the same, coupled with fact that a dispute between the parties over agricultural land is admitted in FIR, the case against him appears to be one of further inquiry. More so, Challan has been submitted and applicants are not required for further investigation. Although apparently there is no malafide on the part of complainant to implicate the accused but alongwith such element the merits of the case are also to be considered and the merits of the case as discussed above make applicants entitled to concession of bail. Accordingly, this bail application is allowed and ad-interim pre-arrest bail granted to the applicants vide order 09.08.2021 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

Irfan Ali