

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Appln. No. S-458 of 2025

Applicant	Sadam Hussain Kakepoto Through Mr. Muhammad Ali Memon, advocate
Complainant	Inam Ali (In person)
Complainant	The State Mr. Sardar Ali Solangi, D.P.G.
Date of hearing	06-10-2025
Date of order	06-10-2025

ORDER

SHAMSUDDIN ABBASI, J.- Through instant Criminal Bail Application, applicant/accused Sadam Hussain seeks his admission to post-arrest-bail in Crime No.07/2025, for offence U/S 324, 114, 148, 149 P.P.C, registered with Police Station Sultan Kot, after rejection of his bail plea by the learned V-Additional Sessions Judge, Shikarpur vide order dated 04.08.2025. It is alleged in the F.I.R that applicant caused fire pistol shot to injured Inam Ali, which hit on his left thigh.

2. Learned counsel for the applicant has mainly contended that applicant has challenged the medical certificate before special medical board and he has placed on record letter dated 23.07.2025 issued by Chairman medical board with the signatures of all the members, which reveals that injured Inam Ali and Aftab did not appear before the special medical board on three consecutive dates i.e. 11.06.2025, 02.07.2025 and 23.07.2025, therefore, opinion of medical board was kept in abeyance. Non-appearance of injured before medical board reflects that medical certificates were managed by the complainant. The complainant appeared and did not furnish any explanation about non-appearance of injured before medical board.

3. Learned D.P.G. has opposed for grant of bail.

4. Heard learned counsel for the applicant and learned D.P.G. and perused the material available on the record.

5. It appears that applicant party had challenged the medical certificates issued by M.L.O in respect of injuries sustained by injured Sadam Hussain and Aftab before the special medical board but injured did not appear before the medical board on three consecutive dates i.e. 11.06.2025, 02.07.2025 and 23.07.2025, therefore, the opinion of medical board was kept in abeyance. Intentionally non-appearance of injured before medical board draws attention that certificate issued by M.L.O is treated as inclusive and it cannot be ruled out that there is possibility of delaying tactics to avoid a proper medical assessment, therefore, at this juncture, benefit of doubt goes in favour of applicant. It is settled by now that benefit of doubt can be extended in bail matters as held by Apex court in a case of ***Tariq Bashir Vs. The State*** reported as **PLD 1995 S.C 34**, therefore, interim pre-arrest bail already granted to applicant is confirmed on same terms and conditions. However, the complainant is at liberty to move cancellation of bail after getting positive medical certificate.

JUDGE

Abdul Salam/P.A