

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Crl. Bail Application No. S- 613/2024.

Date of hearing	Order with signature of Judge
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- 1. For orders on office objection at Flag ‘A’.
- 2. For hearing of bail application.

ORDER.
30.09.2024.

Mr. Ghulam Sarwar Halepoto, Advocate for Applicant.
Mr. Khalil Ahmed Maitlo, D.P.G.

MEHMOOD A. KHAN J., Through this order, I intend to dispose of pre-arrest bail application filed on behalf of applicant/accused Iftikhar Ali son of Muhammad Ashraf bycaste Arain in crime No.100/2024, offence under sections 337-A(i), 337-F(i), 337-F(v), 506/2, 147, 148, 149, 337-H(2) PPC of Police Station Mirwah, District Khairpur Mir’s. Prior to this, the applicant/accused named above filed such application for grant of pre-arrest bail but the same was turned down by learned Additional Sessions Judge-III Khairpur vide order dated 27.08.2024 hence he has filed instant bail application.

- 2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.
- 3. Learned counsel for applicant submits that applicant/accused is innocent and has falsely been implicated in this case. He further submits that there is inordinate delay of one day in lodging of the FIR for which no explanation has been

furnished. He further submits that all sections inserted in the FIR are bailable except 506/2 PPC and 337-F(v) PPC, which do not come under prohibitory clause of Section 497 Cr.P.C. He further submits that it will be determined at the time of trial that which of accused is responsible for injuries allegedly sustained by the injured. He lastly argued that the applicant/accused is entitled for confirmation of pre-arrest bail.

4. On the other hand learned Deputy Prosecutor General conceded for confirmation of pre-arrest bail to the applicant/accused on the ground that punishment of injury falling under section 337-F(v) PPC is upto five years and the same does not come under prohibitory clause of section 497 Cr.P.C.

5. Having heard learned counsel for applicant/accused learned D.P.G and gone through the record.

6. Admittedly the sections shown in the FIR are bailable except section 337-F(v) PPC and 506/2 PPC. The injury sustained by injured Abdullah brother of complainant on his head has been declared in the final medical certificate issued by M.L.O as Jurh Ghair Jaifah Hashmihah which falls under section 337-(v) PPC, the same does not fall under prohibitory clause of section 497 Cr.P.C.

7. In view of above discussion, learned counsel for the applicant/accused has made out a good case for confirmation of bail in the light of sub section (2) of Section 497 CrPC, hence interim pre arrest bail already granted to the applicant/accused Iftikhar Ali is hereby confirmed on same terms and conditions. However, the learned trial Court is directed to conclude the trial and dispose of the case on merits within a period of four months positively.

8. Needless to mention that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

9. The bail application stands disposed of in the above terms.

J U D G E

Irfan/P.A