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ORDER SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANO

1st Cr. Bail Application No. S- 439 of 2023

Applicant(s): Asalam @ Aslam Ali son of Bashir @
Sultan Ahmed Patujo, in person.

The State: Through Mr. Aitbar Ali Bullo, Deputy
Prosecutor General, Sindh.

Complainant: Mst. Muradan through Mr. Suhendar
Kumbar Gemnani, Advocate.

Date of hearing: 01.01.2024

Date of order: 01.01.2024

ORDER

Muhammad Saleem Jessar-J. Through this bail application, applicant Asalam @ Aslam Ali Patujo seeks his admission on pre-arrest bail in crime No.61/2023, registered at Police Station Warrah, for offence under sections 337-A(i), 337-F(i), 452,114,148,149, 336 r/w section 337-U PPC.

2. The facts of the case are mentioned in FIR, copy whereof has been attached with the memo of bail application, hence need not to be reproduced here again.

3. Pursuant to directions contained under previous order learned Sessions Judge, Kamber-Shahdadkot has submitted progress report on behalf of Civil Judge/Judicial Magistrate-I Warrah, which reveals that Magistrate has taken cognizance of section 337-U PPC. Learned DPG submits that punishment provided by law for the section 337-U PPC is 20% share of Diyat and no punishment in shape of sentence is provided hence he has no objection for confirmation of bail.

Mr. Suhender, learned counsel for the complainant opposed the bail application on the ground that applicant is nominated in the F.I.R, besides the injury allegedly caused by applicant has been declared as *itlaf-e-udu* which carries punishment of 20% share of Diyat; however, admits that no punishment in shape of sentence is provided by the law for section 337- U PPC.

Heard. Perused the record.

Admittedly, all sections applied in the F.I.R are bailable, as far as section 337-U PPC is concerned it provides punishment of 20% share of Diyat only and no other punishment in shape of sentence is provided by the law. The case is being tried by the court of Magistrate, where after recording evidence of prosecution witnesses, if prosecution may succeed to prove its charge against him even then punishment of more than three years could not be visualized. In the circumstances and in view of above legal position, the case against applicant requires further inquiry. Accordingly, instant bail application is hereby allowed. Interim pre-arrest bail already granted to the applicant vide order dated 10.08.2023 is hereby confirmed on same terms and conditions.

JUDGEMENT

S Ashfaq