

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

Cr. Bail Application No.S-31 of 2017.

DATE	ORDER WITH SIGNATURE OF JUDGE
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<u>16.08.2017.</u>	For hearing.
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Mr. Rashid Ali Khan, Advocate alongwith applicants.
Mr. Shahid Ahmed Shaikh, D.P.G for the State.

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ABDUL MALIK GADDI,J- Applicants/accused are present on interim bail granted to them by this Court vide order dated 11.01.2017. Today this bail application is fixed for confirmation or otherwise.

2. The allegation against the present applicants/accused are that on 29.9.2016 they alongwith other 23 co-accused attacked upon the HESCO officials at Tando Adam and applicant No.2 [Haji Muhammad], who was armed with iron rod caused iron rod blow over the head of Clerk Shoukat Ali Rajput and the injury attributed to this applicant was declared by doctor as 337-A(i) and F(i), PPC.

3. Learned counsel for the applicants submits that applicants/accused are innocent and they have been falsely implicated in this case by the complainant. He further submits that the alleged offence is punishable with seven years, which does not come within prohibitory clause of section 497, Cr.P.C. He further submits that in this matter challan has already been submitted before the trial Court and these applicants/accused are no more required for further investigation. He further submits that the applicants/accused are attending the trial Court regularly and the punishment provided for the alleged offence, in which, the applicants/accused are involved are eitherailable or do not come within the prohibitory clause of section 497, Cr.P.C, therefore, he prays for confirmation of bail.

4. Learned D.P.G. for the State has opposed this bail application on the ground that applicants/accused are nominated in the F.I.R. with specific allegation that these applicants/accused on the day, time and incident attacked upon the HESCO officials at Tando Adam and during this incident,

applicant No.2 who was armed with iron rod caused iron rod blow to one Clerk namely Shoukat Ali Rajput, who received injury at his head.

5. I have given my anxious thoughts to the arguments advanced by learned counsel for the applicant as well as learned D.P.G and perused the record.

6. Perusal of record shows that there is only allegation against the applicant No.2 that at the time of incident he was armed with iron rod and he caused iron rod blow at the head of one clerk Shoukat Ali Rajput, but injury attributed to the applicant, which was declared by the doctor as 337-A(i) and F-(i), PPC and the punishment of the said sections are also did not fall within prohibitory clause of section 497, Cr.P.C. The role of applicants No.1,3 and 4 are general in nature and it is yet to be determined at the time of trial whether these applicants had played any role while attacking upon HESCO officials. It is pointed out by learned counsel for the applicants that in this matter, the challan has already been submitted before the trial Court and applicants/accused are attending the trial Court regularly. Under these circumstances, I have come to this conclusion that applicants/accused have made out a case for confirmation of interim pre-arrest bail. I, accordingly, confirm the interim pre-arrest bail already granted to the applicants vide order dated 11.1.2017 on the same terms and conditions with direction to the applicants to appear before the trial Court and face the trial, however, the trial Court is directed to conclude the trial within a period of two months after receipt of this order and compliance report be submitted to this Court through Additional Registrar of this Court. It is needless to mention here that no un-necessarily adjournment shall be granted to either party during proceeding of the trial.

The bail application stands disposed of in the above terms.

JUDGE.