

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD.  
Cr.Bail Appln:No.S- 1009 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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**11-09-2017**

Applicant is present in person.

Mr. Shahid Ahmed Shaikh, D.P.G.

None present for complainant though served.

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**ABDUL MAALIK GADDI, J-** Applicant / accused is present on interim pre-arrest bail granted to him by this Court vide order dated 24.9.2014. Today, this bail application is fixed for confirmation or otherwise.

2. The facts in brief are that on 17.07.2013 at 2300 hours complainant Ghazi Khan Chandio lodged the FIR at P.S Kazi Ahmed alleging therein that he is hari of Rais Muhammad Hanif Chandio and there is electric transformer installed in the village. Ismail Chandio and his relatives used to remove the links of the transformer of their own sweet will due to which the T.Vs and irons of their villagers were burnt and the tube well installed in the lands of Rais was also damaged. The complainant party time and again restrained them but Ismail Chandio and his relatives did not listen them. On the day of incident and lodging the FIR, in the morning, the complainant and Ghulam Mustafa son of Gul Muhammad Chandio, Allah Bux son of Photo Khan Chandio were cultivating the lands of Rais Muhammad Hanif alongwith other haris and were working with the haris, what at about 11:00 a.m. saw Ismail Chandio with hatchet, Idris

Chandio with pistol, Ameen Chandio with hatchet, Farooque Chandio with hatchet, Sanaullah Khaskheli with pistol, Sikander Chandio with pistol, Miskeen Chandio with pistol, Aslam Chandio with lathi, Qadir Bux Chandio with lathi, Haji Chandio with pistol, who were fixing and removing the links of Transformer of their own sweet will, they were refrained, on which they all got infuriated and asked them that they would cause huge loss to their crops, on which Muhammad Ismail Chandio caused hatchet blow to Ahmed Chandio on his head who fell down by raising cry, and then Ameen Chandio caused hatchet blow to the complainant with intention to commit his murder. The complainant got missed the attack and fell down on the ground. In the meanwhile, Miskeen Chandio fired straight from his pistol upon the complainant but the fire missed, then all the persons having fire arm weapon fired in the air to create harassment. The complainant party raised cries which attracted to villagers, on seeing the villagers accused went away, thereafter, complainant party shifted the injured to hospital after obtaining letter from P.S Kazi Ahmed, thereafter complainant lodged the FIR.

3. It is stated by applicant that he is innocent and has falsely been implicated in this case by the complainant due to enmity; that there is inordinate delay of about 12 hours in lodging the FIR and such delay has not been explained at all; that in fact it was the complainant party who was changing the main line from Noor Shah Feedere to 12 Feeder, on which Yar Muhammad who was sitting with Asghar the accused Muhammad Ismail, Muhammad Ameen on the bricks kiln of Yar Muhammad asked the complainant party not to change the Feeder and not to create troubles for them and it was their illegal act on which the complainant party alongwith their Zamindar Hanif Chandio attacked upon them and Asghar, Muhammad Ismail and Muhammad Ameen have sustained injuries; that the incident took place at day light time but no independent person has

been cited as a witness of alleged incident, and the Pws are close relative to the complainant; that no such incident has been taken place and matter requires further enquiry at trial.

4. Conversely, D.P.G. has opposed this bail application on the ground that the applicant is nominated in the FIR with specific allegation, however he admits that the challan against the applicant/accused has already been submitted before the court of law, where he is appearing to face the trial.

5. Arguments heard and record perused.

6. The allegations against applicant / accused is that on the day and time of incident, he alongwith co-accused caused hatchet blow to PW Ahmed Chandio on his head and the injury attributed to him has been declared by Doctor as Shuja-i-Hashmia, falls within the ambit of section 337-A(ii) PPC, for which punishment is 05 years, thus it appears that the case of the applicant / accused does not fall within the prohibitory clause of section 497 Cr.P.C. It also appears on the record that co-accused have been granted pre-arrest bail by the trial court which was subsequently confirmed on the ground that the allegation against them were general in nature. Further, the medico legal officer has not been declared the injury which attributed to the applicant / accused as danger / detrimental to the life of the Pw Ahmed. Moreover, the enmity is admitted in the FIR, however the same is like double edge weapon which cuts both side, therefore, requires probe. Notwithstanding, in this matter the investigation has been completed and challan against applicant/accused has already been submitted, hence, the applicant/accused is no more required for further investigation, as such, under these circumstances no exceptional circumstance appears in this case to withhold bail of the applicant.

7. Looking to the above, the bail plea of applicant / accused is allowed and the interim pre-arrest bail passed earlier is hereby confirmed on same terms and conditions with directions to the applicant / accused to appear before the trial court and face trial.

8. Needless to mention here that the observations made hereinabove are tentative in nature and shall not affect the merits of the case.

JUDGE

Ahmed/Pa