

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD.  
Cr.Bail Appln:No.S- 285 of 2014

**DATE**

**ORDER WITH SIGNATURE OF JUDGE**

**20-09-2017**

Applicant is present on interim bail.

Mrs. Razia Ali Zaman, advocate for applicant.

Syed Meeral Shah DPG

Injured Asghar Ali is present in person.

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**ABDUL MAALIK GADDI,J-** Applicant/accused is present on interim bail granted to him by this Court vide order dated 24.3.2014. Today this bail application is fixed for confirmation or otherwise.

2. The allegation against applicant / accused is that on the day and time of incident the present applicant / accused was allegedly armed with pistol and he made straight fire at the injured Asghar Ali which hit to his both legs.

3. It is stated by the learned counsel for applicant that the case against applicant/accused is false and has been registered due to enmity. She further submitted that in this matter challan against applicant / accused has been submitted before the trial court and this applicant / accused is no more required for investigation. She also submits that there is allegation against applicant / accused that he caused fire arm injury to the injured Asghar Ali, which hit him on his both legs and the injury attributed to the applicant falls under section 337-F(v) PPC and the medico legal officer has not described the injury attributed to the applicant / accused as dangerous.

4. Learned D.P.G assisted by injured / victim Asghar Ali submits that the parties have compromised the matter outside the court and the complainant party have no objection, if the interim bail already passed in favour of the applicant is confirmed.

5. I have heard the learned counsel for the parties and perused the case papers so available before me. It appears from the record that injury attributed to the applicant / accused is on non-vital part of the body of injured and the same was declared by the medico legal officer as Ghair Jaifa Hashimah falls under Section 337-F(v) PPC for which punishment is not more than five years and compoundable one, thus it appears that the case against applicant / accused does not fall within the ambit of prohibitory cause of section 497 Cr.P.C, in such circumstances the grant of bail is a rule and refusal is an exception, hence no exceptional circumstances has been pointed out in this case to withhold the bail in favour of accused. However, it may be mentioned here that victim / injured Asghar Ali is present in Court submits that he has no objection, if the interim order passed earlier is confirmed in favour of the applicant / accused.

6. In view of the above, the instant bail application is allowed and confirmed the interim pre-arrest bail in favour of applicant passed earlier on same terms and conditions with directions to the applicant/accused to appear before the trial court and face trial.

7. 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