

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD
Cr. Bail application No.S- 1070 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections
2. For hearing

26.01.2018.

Applicants Khuda Bukhsh and Meenhal are present on interim pre-arrest bail.

Mr. Zeeshan Memon Advocate holds brief on behalf of Mr. Parshotam K. Khatri Advocate for applicants

Mr. Shahzado Saleem Nahiyon APG

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ABDUL MAALIK GADDI:- Applicants are present on interim pre-arrest bail granted to them by this court vide order dated 04.12.2017. Today this bail application is fixed for confirmation or otherwise.

2- The allegations against applicants/accused are that on the relevant date and time, applicant/accused Khuda Bukhsh caused hatchet blow at the right arm of injured Mangho and applicant/accused Meenhal caused lathi blow on the left arm of said injured on the issue of damaging crop of complainant party by his cattle.

3- It is stated by the applicants that they are innocent and they have been falsely involved in this case. They further submit that in fact no incident taken place in a fashion as alleged in the FIR. They further submits that challan has already been submitted and they are appearing before the trial court without any substantial progress. They further submit that injuries attributed to them are on non-vital part of the body of injured and same does not fall within the prohibitory clause of section 497 Cr.P.C.

4- Learned APG has opposed this bail application on the ground that names of applicants/accused are appearing in the FIR with their specific that they have caused hatchet and lathi blow to injured Mangho on his right and left arms and all the injuries have been described by the Medicolegal Officer U/s 337-F(vi), punishment of which is not more than seven(7) years.

5- I have given my anxious thoughts to the contentions raised at the bar and gone through the case papers so available before me.

6- It reveals from the record that alleged incident taken place on 29.10.2017 whereas same was registered on 31.10.2017 after delay of two days for which no plausible explanation has been furnished as such on this ground alone, false implication of applicants/accused cannot be ruled out. It is pointed out by learned APG that in this matter challan has been submitted and the applicants/accused are appearing before the trial court. It further reveals from the record that injuries attributed to the applicants/accused are on non vital part of the body of injured Mangho, even otherwise, the injuries have not been described by the Medicael Officer as dangerous or detrimental to the life of injured. Learned APG has pointed out that punishment of the injuries attributed to present applicants/accused do not fall within the prohibitory clause of section 497(1) Cr.P.C. Applicants/accused are appearing in this court as well as before the trial court without any substantial progress.

7- Under the circumstances and in view of the facts and grounds as agitated in this bail application, I have come to the conclusion that applicants/accused have made out the case for confirmation of their bail. I, therefore, confirm their interim pre-arrest bail on same terms and conditions with direction to the applicants/accused to appear before the trial court and face their trial. Since it is the injury case, therefore, the trial court is directed to decide this case expeditiously preferably within a period of three(3) months of the date of this order and submit the compliance report before this court through Additional Registrar.

Before parting with the order, I would like to make it clear that observation if any, made in this order, is tentative in nature and shall not affect the merits of the case.

JUDGE