

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
Cr. Bail Application No.S-305 of 2017  
Cr. Bail Application No.S-432 of 2017

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE(S)</b>
FOR HEARING	

07.09.2017

*Mr. Muhammad Azhar Arain, Advocate for applicants*  
*Mr. Mansoor Ali Jatoi, Advocate for complainant.*  
*Mr. Shahid Ahmed Shaikh, D.P.G*

**ORDER**

**ABDUL MALIK GADDI, J:-** By this common order, I intend to dispose of above two bail applications as they arise out of the same FIR.

2. It appears from the record that the applicants/accused are on interim pre-arrest bail granted to them by this Court vide orders dated 20.04.2017 and 07.06.2017 respectively and today these bail applications are fixed for confirmation or otherwise.

3. Through these bail applications, applicants/accused seek bail in Crime No.05 of 2017 registered at P.S Kunri for offences under Sections 324, 337-A(i)(ii), 337-F(i), 337-L(ii), 504, 147, 148 and 149 PPC.

4. The allegations against the applicants/accused as disclosed in the FIR are that on 16.01.2017 at about 1700 hours at the hedge, outside the house of Ali Muhammad, situated in Village Khosa Colony, Deh Khosan Ji Wai, Taluka Samaro, being members of unlawful assembly committed rioting duly armed with gun, repeater, revolver, hatchets and lathis, they caused injuries to P.W Hakim Ali, Ali Muhammad, Ghulam Muhammad, Tayab, Mst.Gulaban and Mst.Zainab with intention to kill

them and abused the complainant party, hence, the present FIR lodged against them.

5. Learned Counsel for the applicants/accused submits that the applicants/accused are innocent and they have been falsely involved in this case by the complainant. He further submits that there is counter version of the same incident as alleged in FIR No.07 of 2017 of P.S Kunri. He also submits that the role assigned to the applicants/accused is belied by medical evidence and that the applicants/accused were granted pre-arrest bail by the Trial Court but the same was rejected by the Trial Court without assigning any good reason. He further submits that the challan in this case has been submitted before the Trial Court and the applicants/accused are attending the Court regularly.

6. Learned Deputy Prosecutor General assisted by learned Counsel for the complainant has not opposed these bail applications on the ground that the parties have patched up their dispute outside the Court and the injuries attributed to the present applicants/accused are minor in nature and punishment of such kind of crime does not fall within the prohibitory clause of Section 497 Cr.P.C.

7. I have given my anxious thoughts to the contentions raised at bar and have gone through the case papers so available before me. It is an admitted fact that the challan against the applicants/accused has been submitted before the Trial Court and these applicants/accused are no more required for the purpose of investigation. The injuries attributed to the present applicants/accused appear to be minor in nature and are on non-vital part of injured P.Ws. It has been stated by the learned Counsel for the parties that the parties have compromised the matter outside the

Court as they are near relatives to each other. All the injuries attributed to the applicants/accused either bailable or their punishable do not fall within the prohibitory clause of Section 497 Cr.P.C. In such type of cases, grant of bail is a rule and refusal is an exception. No exceptional ground has been pointed out by the parties to withhold bail of the applicants/accused.

8. In view of what has been observed above, the applicants/accused have made out their case for confirmation of bail. Accordingly, the interim pre-arrest bail already extended in favour of the applicants/accused vide aforesaid orders, is confirmed on the same terms and conditions with direction to the applicants/accused to appear before the Trial Court to face their trial.

9. Since the matter pertains to the year 2017 being injury case, therefore, the Presiding Officer of the learned Trial Court is directed to conclude the case as early as possible preferably within a period of 03 months and to avoid un-necessary adjournment to either side. Compliance report be submitted to this Court through the Additional Registrar.

10. Needless to mention that the observations given in this bail order are tentative in nature and shall not in any way affect the merits of the case at the trial.

Bail applications stand disposed of.

JUDGE