

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD.  
Cr.Bail Appln.No.S-970 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing.

**29-05-2017**

Applicant present in person.

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

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**ABDUL MAALIK GADDI, J-** Applicant is present on interim bail granted to him by this Court vide order dated 14.11.2016 and today this bail application is fixed for confirmation or otherwise.

2. The allegations against the applicant/accused are that on 24.9.2016, the applicant/accused duly armed with hatchet caused backside of hatchet injuries on the head and left arm of PW Riaz Ahmed with intention to kill him.

3. It is stated by the applicant/ accused that he is innocent and has falsely been involved in this case due to enmity which is itself admitted in FIR by the complainant; that there is delay of about 06 days in lodging the FIR and such delay has not been explained properly and satisfactorily; that the offence with which the he is charged does not fall within the prohibitory clause of Section 497 Cr.P.C, therefore he requests for confirmation of bail.

4. Learned A.P.G submits that in this matter challan has been submitted and charge has been framed. .

5. Admittedly, there is a dispute in between the parties which is itself admitted by the complainant in his FIR and such enmity is like double edged weapon which always cuts both sides. Further, record reveals that the medical officer declared the offence with which applicant/accused is charged U/ss. 337-F(vi) and 337-F(1) PPC and the punishment of the same is seven years and two years respectively, hence do not fall within the ambit of prohibitory clause of section 497 Cr.P.C and in such like cases the grant of bail is a rule, however the applicability of section 324 PPC is concerned, under the circumstances of the case requires deeper appreciation at the stage of trial. Further, nothing is available on record to show that the present applicant/accused is previously convicted or he is disparate, dangers and

hardened and criminal. Learned A.P.G in view of the above has opposed this bail application, but is not able to controvert the above factual and legal position.

6. In view of above, the sufficient grounds are available for confirmation of bail of applicant/accused, therefore the interim pre-arrest bail already granted to applicant/accused is hereby confirmed on same terms and conditions with direction to learned trial Court to conclude the trial as early as possible preferably within three months.

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

JUDGE

Ahmed/Pa