

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

Cr. Bail application No.S- 220 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

11.10.2017.

Mr. Bilawal Bajeer Advocate for applicant/accused.
Alongwith applicant/accused.

Mr. Shahid Shaikh DPG

--==--

ABDUL MAALIK GADDI, J: Applicant/accused is present on interim pre-arrest bail granted to him by this court vide order dated 13.3.2017. Today this bail application is fixed for confirmation or otherwise.

2- The allegations against applicant/accused is that on the date and time of the incident present applicant/accused caused hatchet's back side blow to Mst. Shereen on her head. The injuries sustained to the injured Mst. Shereen has been declared by the Medicolegal officer U/s 337-F(vi) PPC.

3- It is stated by learned counsel for applicant/accused that applicant/accused is innocent and he has falsely been implicated in this case due to enmity. It is further stated by learned counsel for applicant/accused that there are counter cases between the parties in respect of the same incident. It is pointed out by learned counsel for applicant/accused accused party has also sustained injuries at the hands of complainant party and a FIR bearing Crime No.114 of 2015 is registered by co-accused Muhammad Qasim against

complainant party at same police station. He further contended that there is delay of about more than 09-hours in registration of FIR, for which no plausible explanation is furnished by the complainant

4- Learned DPG though opposed the bail application but he is not in a position to controvert the above legal and factual position.

5- I have given my anxious thought to the arguments of learned counsels for the parties and have gone through the police papers made available before me.

6- It is an admitted position that case has been challaned, the applicant/accused is no more required for any investigation. The injuries sustained to the injured Mst. Shereen has been declared by the Medicolegal office U/s 337-F(vi) which is punishable for a term which extent to seven years. The injuries attributed to applicant/accused has not been declared by the Medicolegal officer as dangerous or detrimental to the life of injured. The applicant/accused is appearing before the trial court without any substantial progress, besides punishment provided for the offence is to the extent of seven years which does not fall within the prohibitory clause of section 497 Cr.P.C, therefore, grant of bail is a rule and refusal is an exception as held by the Superior Court. No exceptional ground has been pointed out by learned DPG for refusal of bail to applicant/accused.

7- In view of above the applicant/accused makes out a case for grant of bail, I, accordingly confirm the interim pre-arrest bail already granted in favour of applicant/accused with direction to him to appear before the trial court. Since this crime pertains to the year 2016, therefore, learned trial court is directed to expeditiously proceed the matter, decide the same within a period of four months after receipt of this order. No un-necessary adjournment shall be granted to either side. Compliance report be submitted through Additional Registrar of this court.

8- Be that as it may, it is made clear that the observations made herein above, if any, are tentative in nature and shall not affect the merits of the case.

JUDGE

A.Rasheed

