

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Cr.Bail.Appl.No.S- 1115 of 2018

Date of hearing: 27.02.2019.

Date of order: 27.02.2019.

Applicant present on interim pre-arrest bail his counsel called absent.
Mr. Zahid Mallah, Advocate for complainant alongwith complainant.
Mr. Shahid Ahmed Shaikh, D.P.G. for the State.

ORDER

ZULFIQAR AHMAD KHAN, J: Through instant criminal bail application, applicants seek pre-arrest bail in Crime No.278/2018, registered at Police Station Nasim Nagar, under sections 337-A(iii), A(i), 506, 504 PPC.

2. The allegation against the present applicant is that on 01.10.2018, he caused lathi injuries to the complainant at his upper side of nose and by extending murderous threats escaped away.

3. I have heard the applicant present in person, learned counsel for the complainant, learned D.P.G. for the State and perused the entire material available before me and my observations are as under.

4. *Prima facie*, a bare perusal of the FIR reflects that the alleged incident was occurred on 18.10.2018 whereas the FIR has been lodged on 26.11.2018 at 1730 hours after the delay of 38 days for which no plausible explanation has been furnished by the complainant that as to why he remained mum for such a long period. Moreover, no any motive or cogent reason for causing lathi injuries to the complainant has been shown in the FIR. The plea of applicant that on some matrimonial dispute he has been falsely implicated in the case in hand by complainant cannot be ruled out at

this stage. The final medical certificate issued by the Doctor clearly shows that the injury sustained by the complainant is old one.

5. In the circumstances at hand, I am of the humble view that the applicant / accused has been able to make out a case of further inquiry. Accordingly, the instant bail application is allowed and the interim pre-arrest bail already granted to the applicant is hereby confirmed on same terms and conditions.

JUDGE

Tufail/PA