

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.552 of 2019

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

1. For orders on Misc. No.4231/2019 (U/A)
2. For hearing of bail application

06.05.2019

Mr. Tabassum Hashmat, advocate for the applicant.
Ms. Rahat Ahsan, Addl. P.G.

1. Through instant bail application, applicant/accused seeks bail after arrest in **FIR No.346/2018**, under **Section 324/34 PPC** registered at police station Paistan Bazar, Karachi. Earlier the applicant/accused approached the VIIIth Addl. Sessions Judge, West, Karachi for post arrest bail, which was declined vide order dated **24.12.2018**. Thereafter, the applicant approached this Court for grant of post arrest bail.

2. The accused is said to have been involved alongwith two other persons namely Imrana and Ather in causing injury to the victim Noshad, trial Court has refused his bail whereas two co-accused have been granted even bail before arrest.

3. I have heard the arguments and perused the record and I have noticed as under:-

- i. There is straightaway six days delay in lodging of the FIR under Section 324/34 of the PPC.
- ii. The FIR does not show that the injured has first approached the police station for going to medico legal

and even in the FIR there is no mentioned of the report of a doctor to identify the nature of injuries nominated in Section 337-A to 337-H.

- iii. The date of Medico Legal is 22.11.2018 meaning thereby more than after 14 days of the incident mentioned in the FIR though medico legal is given date of 22.11.2018 and the complainant identified number of stitching as 36 on the head a six days before 15.11.2018 to the police.
- iv. The above discrepancies in the prosecution story are enough at this stage to grant the bail.
- v. He is no more required for further investigation; therefore, no useful purpose would be served by keeping the applicant behind the bars for indefinite period.

4. In view of the above, the applicant / accused is admitted to bail subject to furnishing solvent surety in the sum of **Rs.50,000/-** and P.R bond in the like amount to the satisfaction of trial Court.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant/accused on merits.

JUDGE