

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Crl. Bail Application No.818 of 2018

Date	Order with signature of Judge
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Hearing of bail application

1. For orders on M.A No.5073/2018 (U/A)
2. For orders on M.A No5074/2018 (Ex/A)
3. For hearing of bail application.

05.06.2018

Mr. Umair, advocate for the applicant.
Applicant present in person.

1. Urgency is granted.
2. Exemption granted subject to all just exceptions.
3. Applicant/Accused is nominated in the FIR No.95 of 2018 registered at P.S Jamshed Quarter, Karachi under Section 337-A(i), 504/337-A(iv)/34 PPC.

It appears that Applicant filed bail application before the IVth Additional Sessions Judge, Karachi East which was dismissed by order dated **08.05.2018**, hence applicant preferred this application for Bail before arrest on the ground that the applicant is innocent and law abiding citizen. It is further alleged that the name of the applicant has been mentioned in the FIR due to enmity with malafide designs and ulterior motives.

In this case Mr. Umair, advocate has argued the case though he is not even enrolled in the High Court. When he finished his arguments and I have even dictated the order dismissing the bail before arrest he was asked by the Court that since when he is practicing in High Court. In reply he informed that he is not enrolled in High Court and his senior is unwell. Though it is serious

misconduct to appear in High Court, I do not want to take any action since I have decided to reject this bail application.

I have gone through the rejection order of bail passed by the trial Court in which following observation is very relevant to dismiss this bail before arrest;

The perusal of police paper shows that the complainant went to PS from where he was referred to Civil Hospital, and MLO examined him at 2.05 p.m and found four injuries on his nose left elbow, front of neck and mid frontal region and his injury No.2 & 4 were reserved for X-ray report and after obtaining such report MLO issued final MLC on 13.4.2018 to which displaced fracture was seen in X-ray and nasal bone, therefore, injury No.4 was declared as Shajjah-i-Munaqillah which falling under the provision of section 337-A(iv) PPC, which is punishable with Arsh and imprisonment of either description for 10 years, therefore, this offence falls within the prohibitory clause of section 497 Cr.P.C.

In view of above and since the applicant is nominated in the FIR and the offence is of serious nature and carries punishment for 10 years, no case for grant of bail before arrest is made out. There was no proof of enmity by the victim who has suffered injuries with the applicant. Therefore, instant Crl. Bail Application for before arrest is dismissed.

JUDGE

*Ayaz Gul/PA**