

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

Criminal Bail Application No.S-658 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections. 2. For hearing of main case.
<u>10.08.2020</u>	

M/s Azizullah M. Buriro and Meer M. Buriro, Advocate for the applicant.
Mr. Shahid Ahmed Shaikh, Deputy Prosecutor General, Sindh.

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ORDER

ABDUL MAALIK GADDI, J- The applicant/accused is present on bail granted to him by this Court vide order dated 15.07.2020. Today, this bail application is fixed for confirmation of bail or otherwise.

The allegation against the present applicant/accused is that 22.01.2019 in furtherance of common intention the applicant with co-accused attacked upon the complainant party, caused danda and butt blows of weapons to complainant Shah Pasand on different parts of his body and then went away while issuing threats to him.

It is argued by learned counsel for the applicant that the proceedings in the said crime has already been disposed off by declaring the present applicant as proclaimed offender soon after he appeared before the Trial Court, but his bail was rejected; that out of nine accused seven were convicted by the Trial Court for one year whereas one accused has compromised the matter with the complainant party; that there is only allegation against the applicant is that at the time of incident he was armed with gun and he caused butt blow of the Gun at the right knee of the complainant, as such, injury attributed to him falls under section 337-F(v) P.P.C; that though the applicant was armed with gun but he did not fire at the complainant party and the punishment of the offences under which the present applicant/accused has been booked do not fall within the prohibitory clause of section 497 Cr.P.C, therefore, he prays for bail.

As against this, learned Deputy Prosecutor General, Sindh has opposed this bail application on the ground that name of the applicant is appearing in F.I.R with specific role; that at the time of incident he caused butt blow of gun at the right knee of the complainant; and, that the applicant has remained fugitive from the law and Court after rejecting his bail.

None present for the complainant to address arguments on his behalf. However, parties Advocates have been heard and record perused.

It is an admitted fact that at the time of incident the present applicant was armed with Gun and he caused butt blow of gun at the right knee of the complainant and the injury attributed to present applicant has been declared by the doctor falls under section 337-F(v) Shajjah-i-Hashimah for which the punishment is five years. Thus, it appears that punishment for the said section does not fall within the prohibitory clause of section 497 Cr.P.C. Further, nothing is brought on record that the present applicant/accused is a previous convict. It is noted that present applicant/accused is appearing before the Trial Court regularly to face trial. As observed above though the applicant was armed with Gun, but he did not make fire at the complainant, therefore, apparently the applicant had no intention to commit the murder of the complainant. Under these circumstances, the interim order dated 15.07.2020 already passed by this Court stands confirmed on same terms and conditions with directions to the applicant to appear before Trial Court to face trial.

Needless to mention here that any observation in this order is tentative in nature and shall not effect the merits of the case.

Before parting with this order, I would like to make it clear that in case during proceedings if, the applicant misuses the concession of bail, then presiding officer of the Trial Court would be competent to cancel his bail without making any reference to this Court.

JUDGE

*Muhammad Danish Steno**