

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 540 of 2020

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| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For orders on MA-438/2021

22.01.2021.

Mr. Sulleman Dahri, Advocate for applicant.
Ms. Sobia Bhatti, A.P.G for the State.
Mr. Farhan Ahmed Bozdar, Advocate for respondents
No.1to4.

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Urgency granted.

It is stated by learned counsel or the applicant that the private respondents after having formed an unlawful assembly and in prosecution of their common object caused hatchet blows with its back side to applicant, PWs Sabir and Shahbaz Ali with intention to commit their murder and then went away by insulting the applicant and others. By stating so, he sought for cancellation of bail granted to the private respondents for the reason that it has been granted to them improperly by learned trial Court.

Learned A.P.G for the State and learned counsel for the private respondent have sought for dismissal of the instant criminal Misc. Application by contending that it is incompetent and concession of bail has not yet been misused by the private respondents.

I have considered the above arguments and perused the record.

Whether injuries to the applicant and his witnesses with back side of hatchets were caused to them with intention to commit their murder? It requires determination at trial. Parties admittedly are

disputed over water rotation. The case has finally been challenged. The private respondents have joined the trial and they have not misused the concession of bail. In these circumstances, it would be unjustified to recall the concession of bail granted to the private respondents by learned trial Court.

Consequently, the instant Criminal Misc. Application under Section 497(5) Cr.P.C is dismissed.

JUDGE

Ahmed/Pa