

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-57 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objections.

For hearing of main case.

18.03.2021

Mr. Hameedullah Dahri, advocate along with applicant.

Mr. Shahid Ahmed Shaikh, D.P.G for the State.

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Irshad Ali Shah, J:- It is alleged that the applicant with rest of the culprit in furtherance of their common intention by using criminal force caused injuries to PW Peer Bux alias Peeral with spade and back side of hatchet on his head with intention to commit his murder, for that the present case was registered.

2. The applicant on having been refused pre-arrest bail by learned Additional Sessions Judge, Sehwan has sought for the same from this Court by way of instant bail application u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party in order to satisfy its grudge with him; the FIR has been lodged with delay of about [02] days; the injury attributed to the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C and case has finally been challaned. By contending so, he sought for release of the applicant on bail on point of further enquiry.

4. Learned D.P.G. for the State has opposed to release of applicant on bail by contending that the applicant has actively

participated in commission of incident by causing hatchet blow to the injured whereby he has sustained fracture of parietal bone.

5. I have considered the above arguments and perused the record.

6. The applicant is named in FIR with specific allegation that he caused back side of hatchet blow to the injured on his parietal region with intention to commit his murder. On arrest from him has been secured the hatchet used in commission of incident, in that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant. No doubt there is delay of two days in lodgment of FIR, but it is explained in FIR itself. The delay in lodgment of FIR even otherwise could not be resolved by this Court at this stage. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged. No case for grant of bail to the applicant is made out. Consequently, the instant bail application is dismissed with direction to learned trial Court to dispose of very case against the applicant within three months after receipt of copy of this order.

JUDGE

Ahmed/Pa.