

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-1056 of 2022

<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
-------------	--------------------------------------

28.10.2022

Mr. Nazeer Ahmed Bhatti advocate for applicants along with applicants on ad-interim pre-arrest bail.

Mr. Haji Khan Jamali advocate for complainant along with complainant.

Ms. Rameshan Oad, A.P.G.

-.-.-

MUHAMMAD IQBAL KALHORO, J.- Applicants and co-accused Kazim @ Tajo, already at odds with complainant, a watchman, duly armed with lathies accosted complainant party on 05.08.2022 at village Ali Bux Sanjrani Taluka Sakrand and caused lathi blows to son of complainant on various parts of his body mainly on head, opined by Medico Legal Officer as 337-A(iii), 337-A(iv) 337-A(v) and 337-A(iii) PPC, non-bailable, punishable upto 10 years.

2. The case argued in defense by learned counsel is that on the basis of bad blood, applicants have been falsely implicated in this case; main role has been assigned to co-accused Kazim who is in jail; none of the injuries are ascribed to the applicants; there is delay of three days in registration of FIR; applicants are regularly attending the court and therefore, they are entitled to the relief of pre-arrest bail. In support of his submissions, learned counsel has placed reliance on the case reported as 2022 SCMR 624.

3. His arguments have been opposed by learned counsel for complainant and learned Assistant PG stating that on the very day of incident the complainant had approached the police, got a letter for treatment and brought his son at Taluka Hospital Sakrand wherefrom his son was referred to Peoples Medical College Hospital Nawabshah. Only after leaving behind his son, complainant appeared at PS and registered FIR.

4. Insofar as delay in registration of FIR is concerned, it has been properly explained. The applicants and co-accused Kazim all have been assigned same role of causing injuries to the injured

Irfan. He has sustained 04 injuries, mainly on his head, which are serious ones as opined by the Medico Legal Officer and carry punishment upto 10 years, and are on vital part of the victim.

5. In view of specific role and nature of injuries, the applicants are not entitled to concession of pre-arrest bail. The defense taken by applicants requires deeper appreciation of evidence. The concession of pre-arrest bail is extraordinary in nature and is extendable to a person who is falsely implicated in the case in order to save him from arrest otherwise required in non-bailable offences.

6. Accordingly, this application is dismissed and applicants' ad-interim pre-arrest bail granted to them vide order dated 17.10.2022 is hereby recalled.

7. The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

