THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1141 of 2022.

DATE	ORDER WITH SIGNATURE OF JUDGE

For hearing of main case.

14.11.2022.

Mr. Bhooro Bheel advocate for applicants.
Mr. Imran Ali Abbasi, Assistant Prosecutor General, Sindh.
Applicants are present on ad-interim pre-arrest bail.
SIP Atta Muhammad Junejo PS Badin.
Complainant is present in person.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Parties are at odds with each other on matrimonial affairs. On 06.08.2022 at 1900 hours applicants alongwith co-accused Ali Nawaz armed with hatchets caused multiple injures to complainant near Dargah Shah Bhuran Deh Ojhri. The injuries opined by Medico-Legal Officer are u/s 337-A(i), F(iv) and last is F(v) PPC: fracture on left arm of complainant, and is attributed to co-accused Ali Nawaz who is in jail. Applicant Rajab Ali is ascribed instigation, applicant Mashooque attributed injury on head of complainant opined as u/s 337-A(i) PPC, bailable, whereas applicant Muhammad Hanif is attributed an injury to complainant on his little finger/ pinky which has been described by Medico Legal Officer as u/s 337-F(iv) PPC (exposing the bone). All the injuries attributed to applicants are minor. Applicant Rajab Ali is not attributed any active role except instigation. Citing these grounds applicants' counsel has pleaded for bail, not opposed by learned APG. Complainant present in person has however opposed bail to applicants.

In the facts and circumstances as discussed above malafide on the part of complainant who is already on inimical terms with accused party cannot be ruled out. All members of a family have been entangled in this case and main accused is already in jail. Accordingly, the bail application is allowed and ad-interim pre-arrest bail granted to them vide order dated 28.10.2022 is hereby confirmed on the same terms and conditions.

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

JUDGE

Irfan Ali