

**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-1022 of 2022.

DATE ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.

For hearing of main case.

07.11.2022.

Mr. Imdad Ali Dahri advocate for the applicants.

Mr. Muhammad Yaseen Khaskheli advocate for complainant.

Ms. Rameshan Oad, Assistant Prosecutor General, Sindh.

Applicants are present on ad-interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORO, J:- This incident occurred on 25.08.2022 @ 03:15 pm in front of Otaque of complainant as a result of bad blood between the parties, known to each other being relatives, on account of a dispute over a plot which both parties claim to be owner of. In the said incident applicants allegedly armed with lathies, iron rods and hatchets caused injures to complainant and PW Gulab. The former has sustained six injuries including u/s 337-A(iv), F(v) and F(vi) PPC. Whereas, later has sustained one injury. All the injuries have been verified by Medico-Legal Officer. Learned defence counsel has pleaded for bail on the ground that applicants are innocent and have been falsely implicated in this case. There is un-explained delay of 20 days in registration of FIR. There is contradiction in application u/s 22 A/B CrPC filed for registration of FIR and FIR itself. The story narrated in FIR does not correspond with medical certificate and therefore, petitioners are entitled to confirmation of interim bail. He has relied upon 2022 SCMR 624, 2022 SCMR 707, 2014 YLR 1159, 2013 YLR 1450, 2000 YLR 1341, 1998 SCMR 500, PLD 1989 SC 347, PLD 2017 SC 730, 2022 SCMR 1424, 2022 SCMR 1271 and 2018 YLR 204.

On the other hand, learned counsel for complainant and learned APG have opposed bail to applicants citing their specific role. I have considered submissions of parties. Applicants are nominated in the FIR specifically that they by forming an unlawful assembly inflicted severe blows to complainant party in

furtherance of common intention causing them multiple injuries, some of which are serious and non-bailable and fall within prohibitory clause of section 497(i) CrPC. Enmity is a double edged weapon which cuts both ways, complainant has stated the same to be the motive of the case. Its proof, if any, in favor of either party could only be assessed during trial and not while deciding an application for pre-arrest bail which is meant to save an innocent person from arrest in a non-bailable offence, otherwise requirement of law. The applicants have failed to demonstrate that their involvement in the case by the complainant is outcome of some malafide and a motive base/sinister in nature. On the very day i.e. 25.08.2022 the injured under police docket were referred to medical examination would prima facie show the fact that delay, if any, is not on the part of complainant. Therefore, this ground is also not attracted in favor of applicants. Accordingly the bail application is dismissed and ad-interim pre-arrest bail granted to them vide order dated 29.09.2022 is hereby recalled.

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

JUDGE