

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Bail Application No.S-1205 of 2022

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<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
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21.11.2022

Mr. Ali Murtaza Babar advocate for applicant along with applicant on ad-interim pre-arrest bail.

Complainant Mst. Habiban present in person.

Mr. Abdul Waheed Bijarani, APG.

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**MUHAMMAD IQBAL KALHORU, J.-** There is bad blood between the parties over matrimonial affairs on account of which it is alleged that on 30.09.2022 at 1115 hours, applicant along with 04 co-accused accosted complainant party near a Mosque outside of their house situated in Village Naurko Potho, Taluka Dadu, duly armed with pistol, hatchet and lathies and caused multiple injuries to PWs Haroon, Muhammad Safar, Muhammad Hussain and complainant Mst. Habiban. Applicant is stated to be armed with lathi.

2. The main role, however, has been assigned to co-accused Bashir and Abdul Sattar to have caused injuries to PW Haroon. No specific role has been assigned to the applicant and it is alleged, generally, that all the accused caused injuries to Muhammad Hussain, Muhammad Safar and Mst. Habiban. Muhammad Safar and Mst. Habiban have received minor injuries, which are bailable. PW Muhammad Hussain has received two injuries: 337-F(vi) and 337-F(i) PPC. The injury u/s 337-F(i) PPC is bailable. Insofar as injury u/s 337-F(vi) PPC is concerned, nothing is stated in FIR as to who caused that injury to the said PW. Besides, there is FIR of the same incident registered by the accused party against complainant party, which is prior to the present FIR. Enmity is admitted and therefore, malafide on the part of the complainant insofar as implicating applicant is concerned, cannot be ruled out.

3. Citing these grounds, Learned defense counsel has pleaded for bail, opposed by learned Assistant PG and the complainant herself present.

4. Notwithstanding the facts and circumstances stated in defense, highlighted above, make the case against applicant to be one of further inquiry and his false implication, because no specific role has been assigned to him, cannot be ruled out.

5. Accordingly, this application is allowed and applicant's ad-interim pre-arrest bail granted to him vide order dated 08.11.2022 is hereby confirmed on the same terms and condition.

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

JUDGE