

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Bail Application No.S-375 of 2022

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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29.08.2022

Mr. Ishaque H. Qureshi advocate for applicant along with applicant on ad-interim pre-arrest bail.

Mr. Agha Kausar Hussain advocate for complainant along with complainant.

Ms. Sana Memon, Assistant Prosecutor General.

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**MUHAMMAD IQBAL KALHORO, J.-** Applicant, brother in law of complainant, on account of a family dispute, along with co-accused named in FIR armed with iron pipes is alleged to severely beat complainant near Railway Crossing, District Jamshoro on 26.03.2022. As a result he received two injuries. Applicant is assigned main injury on his nose falling u/s 337-A(iii) PPC, punishable upto 10 years.

2. Learned defense counsel has pleaded for bail on the ground that there is family dispute between the parties; FIR is delayed for 46 days; other accused have been granted bail and applicant is regularly attending the trial court. He has relied upon the case of ASHRAT and another versus The STATE (2015 GBLR 95).

3. On the other hand, learned counsel for complainant and learned Assistant Prosecutor General have opposed bail stating that main injury is attributed to the applicant as such rule of consistency is not applicable in this case.

4. Applicant is nominated in the FIR with specific role of causing injury on the face of complainant falling u/s 337-A(iii) PPC which is punishable upto 10 years. On the very day, applicant approached police and received a letter for medical examination which was done and final medical certificate issued. The police lodged FIR only after receiving order u/s 22-A Cr.P.C. Therefore, delay is not attributed to complainant. No element of malafide on the part of complainant has been pointed out nor is there some available in the record. Relief of pre-arrest bail is extraordinary in nature which can only be extended to the accused who is implicated in the case falsely. This case is totally different and there is prima facie evidence against the applicant. Therefore, this

pre-arrest bail application is dismissed and ad-interim pre-arrest bail earlier granted to the applicant vide order dated 30.05.2022 is hereby recalled.

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

JUDGE