

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-739 of 2022

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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09.09.2022

Mr. Bhooro Bheel advocate for applicants along with applicants on ad-interim pre-arrest bail.

Mr. Arjan Das advocate for complainant.

Mr. Imran Ali Abbasi, Assistant Prosecutor General.

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MUHAMMAD IQBAL KALHORO, J.- Complainant has reported a matter to Police Station Umerkot City on 02.06.2022, occurring on 01.05.2022 at 2300 hours, leveling allegations against applicants and one co-accused named in FIR of beating him and PW Takht Singh at the Gate of Shiv Mandar Satiyun Jo Than Deh Kharoro.

2. Learned defense counsel has submitted that there is delay of more than one month in registration of FIR; complainant Kewal was given a letter for treatment after four days of incident which makes the case as one of further inquiry; there are also contradictions in the story of FIR and medical report. He has relied upon the case law reported as 2020 SCMR 717, 2018 YLR 204 and PLD 2017 Supreme Court 730.

3. His arguments have been rebutted by learned counsel for complainant and Assistant PG, relying upon the case law reported as 2021 YLR Note 68, 2016 SCMR 2064, and 2009 SCMR 725.

4. The grounds raised in defense require deeper appreciation of evidence, not called for at the stage of deciding a question of entitlement of an accused to a relief of pre-arrest bail, extraordinary in nature, and available to the accused who has been falsely implicated in the case on the basis of motive base and ulterior. In this case, applicants are attributed role of causing injuries to the complainant and PW Takht Singh, punishable for as much a period as 10 years and falling within prohibitory clause u/s 497(1) CrPC. Besides, no trace of malafide on the part of complainant is available on record, nor it has been suggested by the learned defense counsel, as he has impressed this bail

application purely on merits, which cannot be appreciated at bail stage. Delay in FIR occurred due to late issuance of Final Medical Certificate and is plausibly explained.

5. In view of above, I do not find the applicants entitled to extraordinary concession of pre-arrest bail and dismiss their pre-arrest bail application recalling ad-interim pre-arrest bail granted to them vide order dated 15.07.2022.

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

JUDGE