

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-08 of 2022

Cr. Bail Application No.S-11 of 2022

Cr. Bail Application No.S-28 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
-------------	---

15.08.2022.

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

Syed Faiz Ahmed Shah, Advocate for applicant in Criminal Bail Application No.S-08 of 2022.

Mr. Imtiaz Ali Channa, Advocate for applicants in Criminal Bail Application Nos.11 & 28 of 2022.

Mr. Abdul Rehman Dahri, Advocate holds brief on behalf of Mr. Wali Muhammad Khoso, Advocate for complainant.

Mr. Imran Ali Abbasi, Assistant P.G.

O R D E R

MUHAMMAD IQBAL KALHORO, J- Applicants armed with firearm weapons on account of previous enmity over agricultural land, regarding which civil litigation is pending between them, assaulted complainant party on 05.12.2021 at 02:45 a.m. near village Jurial Bhand. And in the course, a fire made by applicant Nazeer Ahmed hit son of complainant on his abdomen which injury as per medical certificate falls within the purview of Section 337-F(i) PPC, bailable, punishable upto two years. The role attributed to other applicants is only of making ineffective fires.

2. There is no allegation of repetition of making fire to applicant Nazeer Ahmed. Besides, it is a case of firearm injury although, nonetheless as per medical certificate the injury is bailable. Therefore, it is yet to be determined as to whether Section 324 PPC in this case is applicable or not. Then there is delay of three days in registration of FIR, which, keeping in view the previous enmity

between the parties gives rise to a probability of deliberation by the complainant to chase a certain set of accused.

3. Learned Counsel for the complainant has chosen to remain absent and on his behalf Mr. Abdul Rehman Dahri, Advocate, holds brief. Learned Assistant Prosecutor General has opposed bail to applicant Nazeer Ahmed on account of his specific role. But the facts and circumstances as discussed above, particularly the un-explained delay of three days in registration of FIR and injury opined as bailable makes the case of all applicants including that of Nazeer Ahmed to be one of further inquiry. Accordingly, these applications are allowed and ad-interim pre-arrest bail already granted to the applicants is hereby confirmed on same terms and conditions as set out in the respective orders of ad-interim pre-arrest bail.

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

JUDGE

Shahid