

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Bail Application No.S-554 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objections.
2. For hearing of main case.

22.10.2021.

Mr. Pirbhulal U. Goklani, Advocate for applicants alongwith applicants.

Mr. Mushtaque Hussain Khaskheli, Advocate for complainant alongwith complainant.

Mr. Nazar Muhammad Memon, Additional P.G.

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MUHAMMAD IQBAL KALHORO,- Applicants are accused of beating complainant party on the basis of previous enmity when they were present on their land on 03.05.2021 at 04:00 p.m. causing injuries to Abdul Latif and Atta Rasool, who are cited as PWs. The incident took place on 03.05.2021 at 4:00 p.m. but F.I.R was registered on 05.05.2021 at 1:30 p.m. In the F.I.R applicant Gul Muhammad has been attributed sharp side hatchet injury to PW Abdul Latif. But as per medical certificate injury to said PW is shown to have been caused by hard and blunt substance, which does not identify with what has been alleged against applicant Gul Muhammad in the F.I.R. The remaining injuries sustained by Abdul Latif and Atta Rasool are eitherailable as confirmed by learned Additional P.G or punishable upto five years and do not fall within the prohibitory clause of Section 497 Cr.P.C.

Besides, there is history of previous enmity between the parties over the land and they have been registering criminal cases against each other. Learned Defence Counsel has said that there is civil litigation over the same land pending before this Court in revision application. These factors if taken into consideration would show that the parties are at odds with each other, since long have been taking each other to litigations, and the F.I.R does not reflect true story of the incident. As such, the case against the applicants is one of further inquiry as envisaged under Section 497(2) Cr.P.C, and their false implication into the crime cannot be ruled out.

Learned Additional P.G has opposed grant of bail to the applicants but has not been able to controvert the above facts. In view of the facts and circumstances as stated above, applicants are able to make out case for bail. Resultantly, this application is allowed and ad-interim pre-arrest bail already granted to the applicants vide order dated 08.07.2021 is hereby confirmed on same terms and conditions.

JUDGE

Shahid