

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-912 of 2020

Cr. Bail Application No.S-1210 of 2020

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

01.11.2021

Mr. Mian Taj Muhammad Keerio, Advocate for applicants
alongwith applicants.

Syed Shafique Ahmed Shah Advocate for complainant.

Ms. Sobia Bhatti, Assistant P.G.

ORDER

MUHAMMAD IQBAL KALHORO, - These two bail applications have been filed by the applicants, one for post arrest bail and another for pre-arrest bail. In all 11 accused are nominated in FIR registered by Mst. Zahida at P.S Shahpur, revealing about an incident occurred on 24.06.2020 in Village Soonharo Khan Khoso District Matiari in which eight persons were injured, out of whom, five were male and three women belonging to her party on account of previous enmity. The injured were referred to medical examination on the same date after the matter was reported to the police.

2. Learned Defence Counsel in arguments has submitted that there is previous enmity between the parties; the eight persons from accused party were also injured but their F.I.R was not registered and hence they approached Sessions Court vide application under Section 22-A&B Cr.P.C, which was allowed but the order was challenged by the complainant party before this Court and stayed; the story narrated by the complainant is unbelievable; the challan has been submitted and the applicants are attending the Court, applicability of ingredients of offence under Section 324 PPC is yet to be determined.

3. Learned Assistant Prosecutor General and learned Counsel for complainant have opposed these applications on the grounds that applicants are specifically nominated in FIR which was registered only after receiving medical certificate. The matter otherwise was reported to the Police on the same date and no delay occurred, and the injuries sustained by the complainant party are

supported by medical record. Learned Counsel for the complainant in support of his arguments has relied upon the case of ABUBAKAR SIDDIQUE v. THE STATE (2021 SCMR 5).

4. I have considered submissions of the parties and perused material available on record as well as case law cited at bar. In FIR all the accused have been nominated with specific role of causing injuries to complainant party. In the incident, at least eight persons have sustained injuries which as per medical record are of serious in nature and carry punishment upto 10 years. Although the incident is stated to be outcome of enmity between the parties, but it is a double edged sword which cuts both ways. Therefore previous enmity does not necessarily mean false implication of applicants. Learned Assistant Prosecutor General has informed that some of the accused were arrested and from them recovery of hatchets were also effected. The statement of the complainant is further supported by the statements of PWs recorded under Section 161 Cr.P.C. All these pieces of evidence prima facie connect the applicants with the alleged offence which is non-bailable. Admittedly, while deciding the bail application only tentative assessment of the material is required.

5. In the light of above, in my view, the applicants are not entitled to concession of bail. Resultantly, both the applications are dismissed and ad-interim orders already granted to the applicants in Criminal Bail Application No.S-912 of 2020 are recalled. However, the trial Court is directed to expedite the matter and conclude it within a period of 03(three) months, after which the applicants would be entitled to file a fresh application which however shall be decided on merits.

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

JUDGE

Shahid