

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Bail Application No.S-973 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.

12.11.2021.

Mr. Dileep Kumar, Advocate holds brief on behalf of Mr. Muhammad Nouman Jatoi, Advocate for applicants.

Mr. Shahzado Saleem Nahiyoan, Additional P.G.

Complainant is present in person alongwith his daughter namely Mehak.

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MUHAMMAD IQBAL KALHORO, J.- Applicants' Counsel has chosen to remain absent. The Counsel holding brief on his behalf has declined to argue the case. I have heard complainant, who is present in person alongwith his daughter Mehak, applicants and learned A.P.G.

2. I have gone through the material, police papers and medical record. FIR shows that on account of ill-will triggered by a dispute between the children of the parties, applicants Raza Muhammad Shaikh and Asif Memon and other accused, out of whom, Raza Muhammad was armed with a pistol and Asif with a hatchet, caused hatchet blow on the head of complainant. Co-accused Rasheed Shaikh allegedly fired at daughter of the complainant Mehak hitting her right leg. The complainant and her daughter were referred to the hospital for medical examination and certificates have been accordingly issued.

3. Applicants have submitted that they have been falsely implicated and have not caused injuries to the complainant and his daughter. Learned A.P.G has however opposed bail to applicant Asif Memon stating that he has been assigned a specific role of causing hatchet injury to the complainant which is opined as 337-A(iii) PPC, punishable for 10 years and was so serious to cause his death. Regarding bail of accused Raza Muhammad Shaikh, he submits that although he is shown to be armed with a pistol at the time of incident but has not been assigned any specific role.

4. After hearing both the parties and scrutinizing the record, I am of the view that applicant Asif Memon on account of specific role of causing a head injury of nature as shown above to the complainant is not entitled to concession of pre-arrest bail. The narration of the injury is supported by medical record as well as 161 Cr.P.C statements of the witnesses. However, applicant Raza Muhammad Shaikh, who is shown to be armed with a pistol, has not been assigned any role. Complainant Saleem apart from above said injuries has also received another minor injury on his nose, opined as a bruise u/s. 337-A(i) PPC, which admittedly cannot be caused by a pistol. Therefore, the interim pre-arrest bail of applicant Raza Muhammad Shaikh is confirmed on the same terms and conditions, whereas the interim pre-arrest bail of applicant Asif Memon on account of reasonable grounds against him is dismissed and his ad-interim pre-arrest bail 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

Shahid