

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
Cr. Bail Application No.S-1093 of 2021

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

13.12.2021.

Mr. Ayazuddin Samoon, Advocate for applicant alongwith applicant.

Mr. Gulab Khan Qaimkhani, Advocate for complainant alongwith complainant.

Mr. Nazar Muhammad Memon, Additional P.G.

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MUHAMMAD IQBAL KALHORO, J.- Applicant is stated to have inflicted iron blow to brother of the complainant namely Ali Muhammad, aged about 09 years, on 13.10.2021 at 0800 hours. However, the injured was given letter by the police for medical examination on 14.10.2021 at 1310 hours after about 17 hours and injured was produced before the Medico Legal Officer on the same day at 02:25 pm.

2. Learned Counsel for the applicant has pleaded for bail to applicant and has submitted that applicant is real maternal uncle of complainant and on account of dispute over agricultural land has been implicated falsely. However, learned Counsel for the complainant as well as learned Additional P.G have opposed bail to him.

3. I have considered submissions of the parties and perused material available on record. It is an admitted fact that applicant is real maternal uncle of the complainant and there is enmity between the parties over agricultural land. There is delay of 17 hours in reporting the matter to the Police. The final medical certificate was issued on 28.10.2021, yet FIR was registered on 03.11.2021 after delay of four days. In addition to above, when the complainant appeared at Police Station and reported the mater on 14.10.2021 at 1310 hours vide entry No.10, he did not involve the applicant by name in the case and has stated that community people have caused injury to his brother. The injury sustained by the victim has been opined by the Medico Legal Officer as Ghayr Jaiffah Hashmiah falling under Section 337-F(v) PPC which is punishable for

five years and does not come within the prohibitory clause of Section 497 Cr.P.C. All these factors if taken into consideration would make the case against the applicant to be of further inquiry. Besides, the case has been challaned and applicant is no more required for further investigation. Accordingly, this bail application is allowed and interim pre-arrest bail already granted to the applicant vide order dated 01.12.2021 is hereby confirmed on same terms and conditions.

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

JUDGE

Shahid