

ORDER SHEET
**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.D-24 of 2022.

DATE ORDER WITH SIGNATURE OF JUDGE

For orders on office objections.
For hearing of main case.

16.08.2022.

Mr. Muhammad Hashim Laghari advocate for the applicant.
Mr. Abdul Waheed Bijarani Assistant Prosecutor General.
Complainant Barrister Ghulam Mustafa is present in person.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Complainant, who himself is an advocate, has got instant case registered against the applicant and eight other accused alleging that on 29.01.2022 on refusal to pay *Bhatta* to them, they caused injuries to his brother Fayaz Hussain and his servant Zamir Hussain in front of Dargah Shah Hussain Gujoo, Deh Pir Jariyoon.

Applicant was arrested on 31.01.2022 and since then is in jail, whereas all the remaining accused are absconders and their case has been bifurcated by learned trial Court. PW Fayaz Hussain, as per medical report, has received minor injuries except an injury u/s 337-F(vi) PPC which however has not been attributed specifically to any accused. Applicant is said to have caused an injury to PW Zamir Hussain, opined by Medico-Legal Officer as 337-A(i), bailable and punishable upto two years. Apart from that, allegations of demand of *Bhatta*/extortion are leveled against him. But such allegations however, apparently could not stand ground in investigation and were taken off the case by investigation officer. His opinion was however not agreed by learned Magistrate when the final report was submitted before and he not only included the same but inserted Sections 6/7 ATA-1997 at the same trial. Resultantly the case came on the file of Anti-Terrorism Court which is currently seized with the matter. Investigation report further shows that the I.O. on the basis of examination of local people has also opined that there was a dispute between the

parties over rotation of water, and on the basis of material proceeded to delete Section 387 PPC.

We have heard the parties. Learned defence counsel has pleaded bail stating that applicant after submission of Challan is no more required for further investigation. This request has however been opposed vehemently by complainant himself and learned APG. We however, keeping in view the final report and the fact that injury attributed to the applicant is minor in nature, and that there is allegation of only demanding *Bhatta* against him without however there being any evidence of having received the same by him, are of the view that case of the applicant requires further inquiry and he is entitled to correct arrangement which is temporary in nature and subject to outcome of the case to be decided by learned trial Court after recording of evidence. Besides, the fact that after submission of Challan the applicant is no more required for further investigation and that except this case there is no other case ever registered against applicant who entitled to concession of bail. In the circumstances, this bail application is allowed and the applicant is granted post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (One lac rupees) and P.R Bond in the like amount to the satisfaction of learned trial Court. Learned trial Court is further directed to expedite the trial and conclude the same within a reasonable time.

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

JUDGE

JUDGE