

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-288 of 2022

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

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

19.09.2022.

Mr. Ghulamullah Chang, Advocate alongwith applicants on ad-interim pre-arrest bail.

Syed Shafique Ahmed Shah, Advocate for complainant.

Mr. Imran Ali Abbasi, Assistant P.G a/w SIP Ghulam Rasool from P.S Mominabad, Karachi West.

O R D E R

MUHAMMAD IQBAL KALHORO, J- Complainant's niece Mst. Zahida, in a family way, went, for checking, to Bakhtawar Medical Center being run by the applicants, pretending to be doctors although they were not, on 24.10.2021 where they administered her two injections, on her arm and buttock / leg. Thereafter, her condition deteriorated and she established complications on both the spots of her body. Yet she was retained in the hospital for two days under the excuse of further treatment, but when her condition did not improve and further aggravated, she was first taken to Isra Hospital, Hyderabad and then to Liaquat National Hospital, Karachi, where she remained admitted for almost three months. But ultimately her leg had to be amputated, and her arm has become weak, almost motionless; and she also lost her fetus, in the course. FIR was registered on 03.02.2022 after her discharge.

2. Learned Defence Counsel has pleaded for bail stating that applicant No1 Jhando is the Administrator of hospital and applicant No.2 is the Clerk there; there is no expert opinion to show that condition of the victim was due to any treatment given to her in the Medical Center of the applicants; the matter has not been referred to Healthcare Commission and therefore this case is one of further inquiry.

3. On the other hand, learned Counsel for the complainant and learned Assistant P.G have opposed bail to the applicants referring to the report whereby the Doctors in Liaquat National Hospital, Karachi have verified that her bad condition was a result of treatment given to her in the local hospital: Bakhtawar Medical Center.

4. After hearing the parties and perusing the record, particularly observations recorded by the Doctors at the Liaquat National Hospital and Medical College, Karachi, reproduced in the impugned order, I am of the view that the applicants are not entitled to concession of pre-arrest bail. There is sufficient material against them. They are named in FIR and the victim has supported the allegations against them of administering her injections wrongly, which are further verified by the medical evidence in the shape of amputation of her leg, etc. The applicants are not the Doctors but still they were doing medical practice by feigning themselves as health practitioners, which itself is an independent offence, and by doing so, are playing with the lives of innocent people. Prima facie, because of their action, a young lady of 19 years has lost her leg and has become incapable of leading a normal life. No ground for extending extraordinary concession of pre-arrest bail to the applicants is made out. Accordingly, this bail application is dismissed and ad-interim pre-arrest bail already granted to the applicants in terms of order dated 24.03.2022 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