

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CR. BAIL APPLICATION NO.1090/2022

Date

Order with signature of Judge

13.10.2022

Mr. Ashfque advocate alongwith applicants.
Ms. Seema Zaidi, APG.
Mr. Imran Akmal advocate for complainant.

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Complainant reported that he had dispute with Sohrab Lund and others over water machine and pathway, on 09.05.2022 at 8:15 p.m. complainant was present at *Otaq* with Dost Ali, Liaquat Ali, Raza Muhammad, Khan Muhammad, Adam and Sajjan when accused persons reached at the spot with lathies. They started to abuse the complainant over machine dispute. Pix Bux instigated to co-accused persons not to spare complainant side; then Sohrab caused Lathi blow to Dost Ali on palm, Muhabbat caused lathi blows to Dost Ali on cheek and elbow, accused Khair Muhammad caused lathi blows to Dost Ali on knee of right leg and on right arm. whereas accused Muharram caused lathi blow on the eye of complainant and Raza Muhammad. Accused Sain Bux caused lathi blow to Khan Muhammad on left side of waist and ribs. Thereafter, Sajan and Adam intervened and saved the complainant side. Injured were shifted to hospital; Raza Muhammad was referred to Karachi.

2. At the outset learned council for applicants contends that FIR shows two injuries one on eye of Raza Muhammad whereas medical certificate reflects that there is one injury on eye and one injury on elbow. Admittedly injured Raza Muhammad lost his one eye due to injury caused by applicant/accused Muharram; rest of the

injured persons received injuries but same are not on vital parts. Dispute is the motive of commission of present crime.

3. Needless to mention that enmity is a double edged weapon and in present case except applicant Muharram, rest of the accused allegedly caused injuries to other persons which injuries are not on vital parts. Here malice in law and facts except accused Muharram cannot be ruled out therefore pre-arrest bail granted to all accused persons except Muharram is hereby confirmed on same terms and conditions whereas since serious allegations are against Muharram hence interim bail granted to him is hereby recalled.

J U D G E

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