

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Bail Application No.S-1033 of 2022

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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14.10.2022

Mr. Muhammad Iqbal Hingoro advocate for applicant along with applicant on ad-interim pre-arrest bail.

Mr. Altaf Shahid Abro advocate for complainant along with complainant has filed power which is taken on record.

Ms. Sana Memon, Assistant Prosecutor General.

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**MUHAMMAD IQBAL KALHORO, J.-** There is a dispute between the parties over matrimonial affairs. On the day of incident viz.15.08.2022, applicant armed with a hatchet along with co-accused Naseer and Ali Muhammad having lathies abused complainant party present in village Gabal Mangrio near a Mosque. Then applicant caused a blunt side hatchet blow on the head of Ali Bux, brother of complainant. The other accused also caused him lathi blows. He sustained 03 injuries. Two injuries are opined as minor and bailable whereas 3<sup>rd</sup> injury caused by the applicant has been opined by the Medico Legal Officer as 337-A(iv) PPC, punishable for 10 years.

2. Learned defense counsel citing delay in registration of FIR and making a reference to the enmity between the parties has pleaded for bail, opposed by learned counsel for complainant and learned Assistant PG. She has further stated that on the day of incident the injured was referred to medical examination under police docket and FIR was registered after the Final Medical Certificate was issued.

3. The stance taken by the learned Assistant PG, based on material available on record, shows that there is no delay in intimating the police, a requirement to be observed by the complainant. The injured on the same day was referred to medical checkup and report. The injury sustained by him is specifically assigned to the applicant which is on vital part of the injured and

falls within the prohibitory clause u/s 497(1) CrPC. No case for extraordinary concession of pre-arrest bail, meant only to save an innocent person from arrest, which is otherwise required in non-bailable offence, is made out in such circumstances.

4. Accordingly, this application is dismissed and applicant's ad-interim pre-arrest bail granted to him vide order dated 03.10.2022 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