

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

Criminal Bail Application No.S-1101 of 2021.

DATE ORDER WITH SIGNATURE OF JUDGE

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

19.09.2022.

Mr. Faqir Rehmatullah Hisbani advocate for the applicants.
Mr. Ishrat Ali Lohar advocate for the complainant.
Mr. Imran Ali Abbasi, Assistant Prosecutor General, Sindh.
Applicants are present on ad-interim pre-arrest bail.
Complainant is present in person.
SIP Darjan Ali Gopang P.S. A-Section Nawabshah.

ORDER

MUHAMMAD IQBAL KALHORO, J:- This incident took place in the heart of Nawabshah city on 16.11.2021 at 06:15 PM when complainant alongwith a PW was returning to his home on foot and was accosted by accused duly armed with weapons: pistol, iron rods, and they over bad blood caused complainant as many as five injuries on his head and mouth. He reported the incident on the same day at about 2345 hours after his initial medical examination.

After failing to get pre-arrest bail from learned trial Court, applicants have filed this application and their counsel has argued that they are innocent, and have falsely been implicated in this case. Provisional medical certificate lacks necessary details in regard to locale and number of injuries; that there is no proof of surgery of broken tooth of the complainant. Accused party had already filed a case against complainant party bearing Crime No.247/2021 on 12.11.2021 and this case has been malafidely registered against the applicants to settle score with them. All the offences are compoundable and since there are counter cases between the parties hence chances of compromise cannot be ruled out.

On the other hand learned counsel for complainant and learned APG have opposed bail to the applicants citing medical evidence and their direct role in causing injuries to complainant.

I have perused the record and heard the parties. Applicants had challenged the final medical certificate of the injured before medical board where he was examined by eight senior Doctors, expert in their respective fields, who have verified the injuries on the person of complainant. Out of those five injuries, two injuries have been opined to fall under Sections 337-A(iv) PPC, non-bailable and punishable upto ten years. In FIR specific role has been assigned to applicants, who not only caused severe injuries to him but also allegedly looted his licensed pistol from him. In the previous FIR registered by applicants, complainant is not the accused on the one hand, and on the other, reportedly only minor injuries, bailable in nature, were caused to the injured. In any case, this did not give carte blanche to applicants to take law in their hand and settle score with the complainant. They have applied for a relief which is extra-ordinary in nature and can only be extended to an accused who has apparently been falsely implicated in the case. But the case in hand is quite distinguishable as discussed above, therefore, I do not find applicants entitled to the relief of pre-arrest bail. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to them vide order dated 03.12.2021 is hereby recalled.

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

JUDGE