

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-872 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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21.10.2022

Mr. Safdar Ali Charan advocate for applicant along with applicant on ad-interim pre-arrest bail.

Ms. Rameshan Oad, A.P.G.

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MUHAMMAD IQBAL KALHORO, J.- Applicants, who are relatives inter se, are alleged to have caused injuries to brother of complainant namely Qalander Bux on his left eye and lips. Applicant Ihsan Ali is said to have held injured Qalander Bux from behind facilitating applicant Fida Hussain to cause him blows with metal hand clip. He sustained two injuries: one has been opined by the Medico Legal Officer as 337-A(i) PPC, bailable, and the other injury on his lips has been opined as 337-U PPC punishable for only daman.

2. There are counter cases between the parties. Mother of applicant Fida Hussain had already registered FIR bearing Crime No.117/2010 at same Police Station against complainant party. Therefore, false implication of the applicant cannot be ruled out. Citing these grounds, learned defense counsel has pleaded for bail to applicants, opposed by learned Assistant PG, who, however, has given no objection to bail to applicant Ihsan Ali.

3. Notwithstanding, out of two injuries attributed to applicant Fida Hussain one is bailable and the other is not punishable for any term of imprisonment, and is only to be met with daman once proved, as explained by learned Assistant PG. In these circumstances, there is no chance that the applicant would be taken into custody, besides there is history of cases registered by the parties against each other, therefore, malafide on the part of complainant cannot be ruled out.

4. Accordingly, this application is allowed and applicants' ad-interim pre-arrest bail granted to them vide order dated 22.08.2022 is hereby confirmed on the same terms and condition.

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

JUDGE