

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

Cr. Bail Application No.S-140 of 2023

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For orders on office objections.
2. For hearing of main case.

20.03.2023.

Mr. Ghulam Mustafa Hingorjo, Advocate for applicant along with applicant (on interim pre-arrest bail).

Mr. Muhammad Naeem Faiz, Advocate for complainant.

Ms. Safa Hisbani, Assistant P.G.

**ORDER**

**MUHAMMAD FAISAL KAMAL ALAM- J,-**

This is Criminal

Bail Application with regard to offence committed on 07.12.2022 under Sections 337-F(vi), 337-F(i), 114, 147, 148, 149, 504 PPC but reported on 09.01.2023 at 1530 hours at P.S Kheemo-Jo-Par under Crime No.01 of 2023.

2. According to complainant Muhammad Hassan, who has some land dispute with Abdul Kareem, the latter alongwith accomplices came to the land of complainant and on instigation of Abdul Kareem, the present Accused and other persons caused lathi blow at the right arm of Javed, the cousin of complainant, besides hitting him with kicks and fists. Firstly the complainant attempted to resolve the issue through re-conciliation but that failed. On 10.12.2022 injured was brought at Police Station and went for medical treatment. Report was given on 31.12.2022 and the FIR was lodged on 09.01.2023.

3. Learned Counsel has stated that there is old property dispute and the FIR is mala fide with admitted delay of more than one month and in support of his submissions he has cited case of SULTAN and 6 others v. The STATE (2018 YLR Sindh 204).

4. The complainant's Counsel has stated that delay was caused as firstly the matter was about to be resolved through common friends and elders of the Community, but when that failed, Complainant decided to take legal action to lodge the FIR. He stated that there is contradiction in the version of Accused who has stated in Para-6 of the bail application that the cousin of complainant, Javed sustained injury due to road accident. He requests that bail may be rejected. Whereas, learned A.P.G supported the version of complainant. She has produced Police Papers containing Provisional and Final Medico Legal Certificate; according to which Javed sustained injury as *Ghayr Jaifah Munaqqilah* falling under Section 337-F(vi) PPC.

5. Undisputedly, the offence did not fall within the prohibitory clause of Section 497 of Cr.P.C. Investigation has been completed and challan submitted; therefore, there is no possibility that Accused will try to influence the investigation. Learned Counsel for the Accused has produced case diaries that he is regularly appearing before the learned Trial Court, which is not disputed. Co-accused have been granted Bail by the learned Additional Sessions Judge-I, Tharparkar at Mithi. None of the injuries sustained by the injured, is punishable for more than seven years.

6. What is most important is the delay in lodging the FIR after 32 days. The medical treatment was opted after three days from the day of

incident and once the Medico Legal Certificate was issued on 31.12.2022, even then delay of nine days is unexplained. The judgment cited by the learned Counsel for the Applicant is relevant to the facts of present case. Consequently, the interim bail granted earlier to the Accused is hereby confirmed on the same terms. It is however clarified that if for any reason Accused attempts to misuse concession of bail then Trial Court can pass appropriate orders.

The Bail application stands disposed of.

JUDGE

Shahid