

IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-467 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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26.05.2023

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

Mr. Mashooque Ali Mahar, advocate for the applicant along with appellant, who is present on interim pre-arrest bail.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Amjad Ali Sahito, J:- Through instant bail application, the applicant/accused namely, Muhammad Arsalan seeks pre-arrest bail in Crime No.16/2023, registered at Police Station Sakhi Pir, Hyderabad for the offence under sections 324, 337-F (i), 504, 34 PPC. Earlier the bail plea of the applicant/accused was declined by the learned 1st Additional Sessions Judge, Hyderabad vide order dated 08.05.2023.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant has mainly contended that the applicant/accused is innocent and has falsely been implicated in this case due to admitted enmity; that the complainant has involved three brothers in this case with *mala fide* intention and co-accused are in jail; that in fact no recovery of weapon has been effected in the instant case. Learned counsel for the applicant/accused prayed that the interim pre-arrest bail already granted to the applicant/accused may be confirmed.

4. On the other hand, learned has vehemently opposed the bail plea of the applicant/accused. She further contended that the bail plea of co-accused namely Arif and Danish has already been dismissed and they are in jail. She further contended that there are two persons who became injured and received 02 and 10 injures respectively, out of which the medico-legal officer has declared two injuries falling under section 337-D PPC, which is punishable for ten years and does come within the ambit of prohibitory clause of section 497 (1) Cr.P.C.

5. Heard and perused the record.

6. Admittedly, the name of the applicant/accused appears in the FIR with specific role that he along with co-accused came at the place of incident and miserably beaten the brother of the complainant namely Danish and nephew Saqib. Both received sharp cutting knives injuries at the hands of applicant/accused party. As per medical certificate, both injured received several injuries. The injuries viz. injury No.3 and 6 declared by the medical officer comes under section 337-D PPC, which is punishable for 10 years and comes within the ambit of prohibitory clause of section 497 (1) Cr.P.C. The injuries received by the injured persons *prima facie* appear that the accused have attempted to cause murders of the complainant party. The ocular evidence also supports the medical evidence. In 161 Cr.P.C. statements PWs have supported the version of complainant; therefore, sufficient material is available on record to connect the applicant/accused with the commission of instant offence. There appears no tangible substance or *mala fide* on the part of complainant to have pointed out by the learned counsel for the applicant/accused, as such, he has failed to make out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. At bail stage, only tentative assessments are to be made. Consequently, instant criminal bail application is **dismissed** and the interim pre-arrest bail earlier granted to the applicant/accused by this Court vide order dated 15.05.2023 is hereby recalled.

JUDGE