

# IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-445 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.  
For hearing of main case.  
23.05.2023

Mr. Ali Akbar Junejo, advocate for the applicants along with applicants, who are present on interim pre-arrest bail.

Mr. Imran Ahmed Abbasi, A.P.G. Sindh.

**Amjad Ali Sahito, J:-** Through instant bail application, the applicants/accused namely, Muhammad Rasheed, Muhammad Salam and Muhammad Rafique Qureshi seek pre-arrest bail in Crime No.39/2023, registered at Police Station Site, SITE Hyderabad for the offence under sections 506/2, 504, 337-A (i), 337-F (v), 337-H (ii),147, 148, 149 PPC. Earlier the bail plea of the applicants/accused was declined by the learned V<sup>th</sup> Additional Sessions Judge, Hyderabad vide order dated 29.04.2023.

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 applicants has mainly contended that the applicants/accused are innocent and have falsely been implicated in this case; that the FIR is delayed for about 15 days and no such plausible explanation has been furnished; that near about 4 to 10 persons were involved in the instant case; that the role assigned to the applicants/accused is general in nature and as per medical certificate, the injured received two injuries; that the charge against accused has been framed and the applicants are attending the learned trial Court and they are no more required for further investigation; that in fact, the wife of the complainant filed application under section 22-A & B Cr.P.C. against Chandia community and some unknown persons but subsequently, the complainant involved the present applicants/accused; that the offence with which the applicants/accused are charged does not fall within the ambit of prohibitory clause of section 497 (1) Cr.P.C. Lastly, learned counsel has prayed that the interim pre-arrest bail already granted to the applicants/accused may be confirmed.

4. On the other hand, complainant present in person states that after taking the treatment from hospital and receiving certificate, present FIR was lodged. He has further contended that in fact after this incident, the Chandia community persons appeared at his house and given blows on the door of his house.

5. Learned A.P.G. has supported the arguments of the complainant and contended that complainant has received two injuries, which were declared by the Medico-Legal Officer falling under section 337-A (i) and 337-F (v) PPC, as such, he has prayed for dismissal of instant criminal bail application.

6. Heard and perused the record.

7. Admittedly, the names of the applicants/accused appear in the FIR with specific role that the accused No.1 to 3 duly armed with iron rods, iron pipes appeared at the place of incident and miserably beaten to the complainant, resultantly he has received injuries, which declared by the Medico-Legal Officer are falling under section 337-F (v) and 337-A (i) PPC respectively. The ocular version 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 applicants/accused with the commission of instant offence. There appears no ill will or *mala fide* on the part of complainant to have pointed out by the learned counsel for the applicants/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 08.05.2023 is hereby recalled.

JUDGE