

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-474 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.06.2023

Mr. Manzoor Ali Laghari advocate for applicant along with applicant on ad-interim pre-arrest bail.

Ms. Rameshan Oad, A.P.G.

Complainant and injured present in person.

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MUHAMMAD IQBAL KALHORO, J.- It appears that the parties had strained relations over a quarrel between their children. On the day of incident viz. 12.03.2023 at 1730 hours, allegedly applicant armed with a lathi caused lathi blows to father of complainant namely Abdul Aziz causing him at least four injuries opined by the Medico Legal Officer as falling u/s 337-F(vi) and 337-L(ii). Except injury u/s 337-F(vi) PPC, all the injuries are bailable. When police refused to lodge FIR despite Final Medico Legal Certificate, complainant approached Ex-Officio Justice of Peace and succeeded in getting direction for registration of FIR.

2. Learned defense counsel has submitted that in the application u/s 22-A & B CrPC a different story of the incident has been narrated; complainant has shown four accused, three unknown, and applicant causing injuries to her father whereas in FIR only applicant has been shown as accused; there is delay of 26 days in registration of FIR; applicant had already registered a case against the complainant party for causing injuries to his children; medical certificate has been challenged by the applicant before Special Medical Board PUMHSW Nawabshah and on three consecutive dates injured has failed to appear for re-verification of the alleged injuries; the injuries have been fabricated only to implicate the applicant in this case. He has relied upon 2003 MLD 1162, 2012 YLR 705, 2011 MLD 555, 2012 PCrIJ 1883 and 2022 SCMR 264.

3. On the other hand, learned Assistant PG has opposed bail, so also complainant and injured who are present in court.

4. I have considered submissions of parties and perused material available on record. It appears that over affairs of children the parties fought with each other and complainant's father apparently received injuries and was issued a medical certificate. However, when medical certificate was challenged before the Board, the injured failed to appear before it on three consecutive dates for re-verification and re-examination of his injury. Besides, there are counter cases between the parties and it is stated that case registered by the applicant is earlier to the case registered by the complainant. Prima facie, there is discrepancy in the story disclosed by the complainant in her application u/s 22-A & B CrPC in which she has implicated four persons for causing injuries to her father. Whereas, in FIR she has accused solely applicant for causing injuries to her father. The incident took place although on 12.03.2023 but as per Provisional Medico Legal Certificate, the injured appeared before the Doctor on 14.03.2023 after two days which has apparently gone unexplained. Therefore, in my view the case against applicant is of further inquiry and his false implication on account of strained relations between the parties could not be ruled out.

5. Accordingly, in view of above discussion, this application is allowed and applicant's ad-interim pre-arrest bail granted to him vide order dated 15.05.2023 is hereby confirmed on the same terms and condition.

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

JUDGE

Ali Haider