

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

Criminal Bail Application No.S-505 of 2023

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

09-06-2023

Mr. Haider Ali Maheri advocate for applicants along with applicants.

Ms. Safa Hisbani A.P.G. Sindh.

MUHAMMAD IQBAL KALHORO, J: - Complainant and applicant Wali Muhammad are brothers interse. On account of land dispute they do not see eye to eye with each other. On the day of incident viz. 15.04.2023 applicant Rehmatullah armed with a pistol and Wali Muhammad armed with an iron rod accosted complainant when he was present on his agricultural land and after abusing him applicant Rehmatullah caused a butt-blow on his nose whereas applicant Wali Muhammad caused him an iron rod blow hitting his nose. The injury caused by applicant Rehmatullah has been opined by medico-legal officer as under section 337-A (iv) PPC punishable for ten 10 years whereas injury assigned to Wali Muhammad is 337-A (i) PPC which isailable and punishable for 02 years.

2. Learned defense counsel has argued that on account enmity, admitted in FIR, applicants have been falsely implicated. There is difference in story narrated by the complainant in application under section 22-A & B CrPC and the story disclosed in FIR. There is also difference of time recorded in medical certificate. Applicants are innocent and there is already civil litigation pending between the parties, therefore their false implication cannot be ruled out.

3. On the other hands, learned A.P.G. Sindh has opposed bail citing specific role of the applicants.

4. I have considered arguments of parties. It is clear that complainant is brother of applicant Wali Muhammad, therefore, there is no reason for him to falsely implicate his brother in a criminal case. The injuries received by victim have been verified by the medico-legal officer. The injury attributed to applicant Rehmatullah is on a vital part i.e. nose and carries punishment for 10 years. Therefore, he is not entitled to the extra-ordinary concession of pre-arrest bail, which is only meant to protect the innocent persons from the arrest in non-

bailable offences which is otherwise requirement of law. At the same time it must be mentioned that injury attributed to applicant Wali Muhammad is bailable and in bailable offence the bail is right of the accused. Hence, while **dismissing** application of applicant Rehmatullah in view of above facts and circumstances, the bail application of Wali Muhammad is **confirmed** on the same terms and conditions as laid down in the earlier order dated 19.05.2023.

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

JUDGE

Abdullah Channa/PS