

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

Criminal Bail Application No.S-508 of 2023

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

27-06-2023

Mr. M.B @ Nouman Sahito, advocate for applicant.

Mr. Siraj Ahmed Bijarani, A.P.G. Sindh.

Mr. Aslam Pervez Sipio, advocate for complainant.

MUHAMMAD IQBAL KALHORO, J: - Applicant along with co-accused armed with hatchets and lathies on account of previous enmity over water course and government road, accosted complainant party riding a motorcycle near village Sangrasi Abad near Bhit Shah-Chodagi Link Road and caused him multiple injuries. Specific role of causing a head injury, opined as 337-A (ii) PPC, has been attributed to applicant who was allegedly armed with a hatchet.

2. Learned defense counsel submits that applicant had filed Criminal Bail Application No.S-984 of 2022 before this Court for pre-arrest bail, which was dismissed vide order dated 03.10.2022 and he was thereafter arrested on 13.10.2022. The alleged offence attributed to applicant is punishable upto only five years. The applicant has remained in jail for 08 months and since challan has been submitted he is not required for further investigation. His arguments have been opposed by learned counsel for complainant on the ground that some of the witnesses have been examined and no fresh ground has been taken by the applicant for bail. Learned A.P.G. Sindh has adopted arguments of learned counsel for complainant.

3. I have considered submissions. Applicant's previous application for pre-arrest bail, which is regulated by different consideration than the application for post arrest bail which is decided on different principles mainly was dismissed for absence of *mala fide* on the part of the complainant. Applicant is in jail for almost 08 months since. Challan has been submitted meanwhile. The injury attributed to him does not fall under prohibitory clause u/s 497 (i) CrPC. There is no complaint that applicant is likely to tamper with the

evidence after release on bail. Hence, this application is allowed and applicant is granted post arrest bail in the sum of Rs.50000.00 (Rupees fifty thousand only) and PR Bond in the same amount to the satisfaction of trial Court.

4. 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