IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 446 of 2023

Date of hearing	Order with signature of Judge

For hearing of bail application

18.08.2023

Mr. Nusrat Hussain J. Memon, Advocate holding brief for Mr. Alam Sher Bozdar, Advocate for applicant along with applicant Raheem present on interim pre-arrest bail.
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – Applicant along with other co-accused named in FIR, allegedly on matrimonial affairs, caused injuries to complainant Qurban on 02.04.2023 when he was present in his house in Village Muhammad Murad Gabol. Applicant is alleged to have caused a *lathi* blow on backside of his head, which injury has been opined by Medico Legal Officer as 337-A(ii), PPC punishable for five (05) years. Remaining injuries attributed to co-accused are bailable in nature except an injury under Section 337-F(v), PPC.

2.   Learned Counsel for applicant has chosen to remain absent, however, the Counsel holding brief on his behalf has submitted arguments pleading for confirmation of bail on the grounds of enmity between the parties and delay in registration of the FIR. His arguments have been opposed by learned Deputy Prosecutor General.

3.   The applicant has been assigned only one injury to the victim and he is not stated to have repeated the same. The injury attributed to him is punishable only for five (05) years, which does not fall within the prohibitory clause of Section 497(i), Cr.P.C. Besides, there is delay of eight

(08) days in registration of FIR, which in the context of enmity between the parties cannot be ignored and, consequently, false implication of the applicant.

4.   Accordingly, this application is **allowed** and interim pre-arrest bail granted to the applicant, vide order dated 23.06.2023, is **confirmed** on the same terms and conditions.

Criminal Bail Application stands **disposed of** in the above terms.

J U D G E

Abdul Basit