

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S - 565 of 2022

Date of hearing	Order with signature of Judge
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For hearing of bail application

1. For orders on office objections at Flag-A
2. For hearing of bail application

25.08.2023

Mr. Aftab Hussain Bhutto, Advocate for applicants along with applicants Barkat Ali, Ghulam Abbas and Shakas Ahmed.
Mr. Shamsuddin N. Kobhar, Advocate for complainant.
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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Muhammad Iqbal Kalhoro, J. - On account of a dispute over the land, when at about 0800 hours on 25.09.2022, complainant was present at his land along with PWs, applicants armed with large sharp knives accosted him and asked him to leave the land. When he refused and tried to save himself, applicants caused him three (03) sharp knives injuries on his hands and arms, opined by Medico Legal Officer as falling under Section 337-F(ii), P.P.C. punishable for three years, hence, FIR.

2. Learned defence Counsel submits that there is a delay of more than twenty (20) days in registration of FIR. This case is the counterblast of FIR bearing Crime No.239 of 2022 of Police Station Daharki, registered against complainant party by the accused party. The Provisional Medico Legal Certificate is suspicious as the injured seems to have appeared before Medico Legal Officer on 25.09.2022, but the police letter for such purpose was issued on 06.10.2022, after more than 10 days. The injuries are on non-vital parts and were not repeated. The entire case has been proceeded and is now fixed for statement of accused.

3. On the other hand, learned Counsel for complainant and learned Deputy Prosecutor General have opposed bail application.

4. There is a delay of twenty (20) days in registration of FIR. The Provisional Medico Legal Certificate, *prima facie*, seems to be suspicious in view of the delayed police letter for such purpose. The injuries are on non-vital parts of the body and do not seem to have been repeated by the applicants. More so, the injuries are punishable only for three (03) years, do not fall within prohibitory clause under Section 497(i), Cr.P.C. Besides, entire trial has proceeded. At this stage, it is not desirable, in view of the dictum laid down by the Supreme Court the case of Rehmatullah v. The State and another (2011 SCMR 1332), to dismiss the bail application.

5. Accordingly, this application is **allowed** and interim pre-arrest bail granted to applicants, vide order dated 03.11.2022, is **confirmed** on the same terms and conditions.

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

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

Abdul Basit

J U D G E