

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S – 205 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGE

Hearing of bail application

1. For orders on office objection at flag 'A'
2. For hearing of bail application

18.09.2023

M/s Manzoor Hussain Mahessar and Fayaz Ahmed Maitlo,
Advocates along with Applicant
Mr. Nadeem Ahmed Malik, Advocate along with complainant
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General for the State

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ORDER
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MUHAMMAD IQBAL KALHORO, J.- Allegedly, on property, there is a dispute between the complainant and his brothers. On 14.01.2023 applicant along with brothers of the complainant named as co-accused in FIR waylaid complainant at a link road near Kingri Naka within precincts of police station, Pir-jo-Goth. The applicant was armed with a hatchet and a caused hatchet injury on complainant's head and other accused also caused him injuries on different parts of his body. He was referred to hospital for examination and treatment within 40 minutes of the incident, and found to have received at least five injuries, serious in nature, falling under different provisions of the PPC. The injury attributed to the applicant is defined under Section 337-A(iii) PPC, which is punishable for ten years and falls within the prohibitory clause u/s 497 CrPC.

2. Applicant's Counsel has argued that on account of money dispute of fifty thousand the applicant has been falsely implicated in this case, which is not however borne out of any record. The injuries sustained by the complainant on different parts of the body are supported by Medico-legal Certificate and 161 CrPC statements of the P.Ws. There is *prima facie* sufficient evidence connecting the applicant with the offence U/s 337-A(iii) PPC. There appears to be no *mala fide* on the part of complainant to implicate him falsely in this case, which is punishable for 10 years. Applicant is not entitled to the extra ordinary concession of pre-arrest bail, which is meant to save innocent persons from arrest in non-bailable offences, in

which they have been apparently falsely implicated. In addition the learned DPG has opposed bail to the applicant on the ground of his specific role.

3. I, therefore, find that the applicant is not entitled to concession of pre-arrest bail, which is to be extended when there are sufficient grounds to show that the accused has been falsely implicated. Therefore, **this bail application is dismissed** and the interim pre-arrest bail already granted to the applicant vide order dated 31.03.2023, is hereby recalled.

4. The observations made herein above are tentative in nature and will not prejudice the case of either party at the trial.

Judge

ARBROHI