

ORDER SHEET  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Cr. Bail App. No. S – 334 of 2023**

Date of hearing

Order with signature of Judge

**For hearing of bail application**

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

**09.10.2023**

Applicant is present in person.

Mr. Waqar Ali Phulpoto, Advocate holding brief for  
Mr. Muhammad Farooque Rajper, Advocate for injured.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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**Muhammad Iqbal Kalhoro, J.** – Complainant has alleged sore relations with applicant and others on agricultural land, and has further revealed that on 27.12.2022, applicant armed with a hatchet, and other co-accused named in FIR, duly armed with weapons, came at the lands of complainant situated at Deh Paneri, Village No.17 and started beating them. Applicant is alleged to have caused a sharp side hatchet blow to PW Abdullah, which, as per opinion of Medico Legal Officer falls within Section 337-A(ii) PPC, is punishable for five (05) years.

2. Applicant's Counsel is absent. He, present in person, submits that there is a longstanding dispute between them over the land, and on the same day of incident viz. 27.12.2022, his wife had also registered an FIR against the complainant party revealing same allegations. He has already challenged the medical certificate of injured, who is not appearing before the Medical Board.

3. The injured, present in Court, has rebutted applicant's arguments. Learned Deputy Prosecutor General, on Court's directions, has seen the mark of injury on his eye, which appears to be minor in nature, and has therefore recorded no objection.

4. Since there are counter cases between the parties and two days delay in FIR, false implication of the applicant cannot be ruled out. Besides, the offence is punishable for five (05) years, which does not fall under the prohibitory clause of Section 497(i) CrPC.

5. In the circumstances, this application is **allowed** and ad-interim pre-arrest bail already granted to applicant, vide order dated 23.05.2023, is hereby **confirmed** on 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.

The bail application stands **disposed of** in the above terms.

Abdul Basit

J U D G E