

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

Criminal Bail Application No.S-45 of 2024

DATE ORDER WITH SIGNATURE OF JUDGE

05.09.2024

Mr. Faisal Ali Raza Bhatti advocate along with applicants.
Mr. Saeed Ahmed Soomro advocate for complainant.
Mr. Irfan Ali Talpur APG along with ASI Ghulam Muhammad IO PS
Sakhi Pir.

ZULFIQAR ALI SANGI, J.- Applicants seek pre-arrest bail in Crime No.54/2023 registered at P.S. Sakhi Pir U/s 337-F(vi), 504, 34 PPC.

2. The contents of FIR need not to be reproduced as the same are already mentioned in the memo of bail application.

3. Bail is sought on the ground that there is delay of about 1 month and 4 days in registration of FIR and it has not been explained; the injury so declared by the Doctor does not fall within prohibitory clause of section 497 Cr.P.C.; that no specific role is assigned to the applicants nor any independent person is cited as witness of alleged incident though place of scene is busy place which makes the case of prosecution doubtful; that all the PWS are related inter-se, therefore, false implication of applicants cannot be ruled out. He lastly, prayed for confirmation of interim pre-arrest bail granted to the applicants.

4. The bail plea has been opposed by learned APG and counsel for complainant on the ground that the applicants are nominated in FIR with specific role; that the injury caused to the injured has been certified by the doctor as 337-F(vi) PPC for which 7 years punishment is provided, therefore, applicants are not entitled for grant of pre-arrest bail.

5. Heard learned counsel for the applicants, complainant and APG and perused the material available on record.

6. Admittedly, the incident took place on 01.09.2023 and complainant was waiting for medical certificate and after receipt of medical certificate the FIR was registered 05.10.2023. Perusal of final medical certificate, it reflects that the same was issued on 30.09.2024 even on the same date the FIR has not been registered, therefore, false implication of the applicants cannot be ruled out. Furthermore, injured was already having Polio and the medical certificate was challenged before the Board where the Board has opined that the medico legal certificate in respect of injured Abdul Qayoom issued by Dr. Adeel Rajput, Medical

Officer, LUMHS Hyderabad is "**Fall / Accidental injury cannot be rule out**". All these facts make the case of applicants for further inquiry entitling them of confirmation of interim pre-arrest bail. The offence for which applicants are involved does not fall within the prohibitory clause of section 497 Cr.P.C.

7. Under such circumstances, the bail application is allowed and the interim pre-arrest bail already granted to the applicants vide order dated 15.01.2024 is confirmed on the same terms and conditions.

JUDGE

Ali Haider