

*Order Sheet*

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**Cr. Bail Appln: No.S-522 of 2024**

---

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
------	----------------------------------

---

For orders on office objection  
For hearing of main case

**23.09.2024**

Mr. Israr Ali Mari advocate along with applicant Iftikhar Hussain.  
Mirza Farrukh advocate holds brief for Mr. Hameedullah Dahri advocate  
for the complainant.  
Ms. Sana Memon Assistant Prosecutor General Sindh along with ASI  
Nisar Ahmed, PS 60<sup>th</sup> Mile.

-----

**ZAFAR AHMED RAJPUT, J.**- Through the instant bail application, applicant/accused Iftikhar Hussain s/o Rab Nawaz Mari seeks pre-arrest bail in Crime No.08 of 2024, registered at PS 60<sup>th</sup> Mile, District Shaheed Benazirabad, under sections 506(2), 504, 147, 148, 149, 337-A(i), 337-F(i), 337-F(vi), PPC. His earlier application for the same relief being Anticipatory Bail Application No.417 of 2024 was heard and dismissed by the 2<sup>nd</sup> Additional Sessions Judge, Shaheed Benazirabad vide order dated 16.05.2024 The applicant was admitted to ad-interim bail by this Court, vide order dated 20.05.2024, now the matter is fixed for confirmation or otherwise.

2. As per prosecution case, the complainant has a dispute over landed property with accused Ashfaque Mari and others. On 27-02-2024 complainant along with his father Qadir Bux and cousin Rashid Ali Sethar were present at the grocery shop situated in village Colonel where at about 6:00 p.m two Alto Cars stopped in front of the shop, out of which accused Ashfaque armed with pistol, Khadim Hussain armed with pistol, Khetran armed with pistol, Iftikhar having stick, Shahnawaz having hatchet, Pir Bux having stick alighted from the Cars and they aimed their pistols towards complainant party and due to above annoyance, accused Shahnawaz inflicted backside of hatchet to the father of complainant which hit on his head at right side, applicant/accused Iftikhar

inflicted stick blows to him on his right arm, Pir Bux inflicted stick blows to him on his right leg, hence father of complainant fallen down on the ground and accused persons on seeing people of vicinity coming towards them left the complainant party using abusive language, making aerial firing and issuing murderous threats that in case complainant party claimed ownership of agriculture land they would be murdered and went away on their cars. Thereafter complainant brought his father to RHC Daur, hospital after obtaining police letter from where his father was referred for further treatment to Civil Hospital Nawabshah. It was thereafter the complainant appeared at P.S and lodged the instant FIR .

3. After hearing the learned counsel for applicant as well as learned A.P.G for State and perusing the material available on record with their assistance, it appears that after investigation police has submitted the challan wherein co-accused Khadim Hussain and Shahnawaz have been discharged under section 169, Cr.P.C for want of evidence against them. It further appears that the injury allegedly caused to injured by the applicant has been opined by the Medico-Legal Officer as Ghayr-e-Jaifah Munaqillah, falling under section 337-F(vi) PPC which is being punishable for imprisonment to the extent of seven years, does not fall within the prohibitory clause of Section 497 Cr.P.C. The basic rule in such like cases is bail not jail. There is no exceptional circumstance appears to with hold the bail to applicant in this case. The present case also does not fall within the exception laid down by the Honourable Supreme Court of Pakistan in the case of *Tariq Bashir vs. The State* (PLD 1995 SC 34). The challan has already been submitted before the competent Court of law and there is nothing available on record to show against the applicant regarding misusing the concession of interim pre-arrest bail granted by this Court. The applicant was admitted to ad-interim pre-arrest bail on 20.05.2024 and since then he is attending the trial Court regularly. Hence, the instant Cr. Bail Application is

allowed and the interim pre-arrest bail already granted to the applicant vide order dated 20.05.2024 is hereby confirmed on same terms and conditions.

**JUDGE**

sg