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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
1st. CrI. Bail Appln. No.S-407 of 2014.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection as Flag 'A'
2. For Hearing.

16.1.2015

Mr. Faiz Muhammad Larik, advocate for applicant along with applicant.

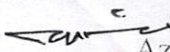
Mr. Khadim Hussain Khooharo, D.P.G.

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Applicant/accused Ameer Bux Machhi seeks pre arrest bail in Crime No.36/2014 registered at Police Station Airport, Jacobabad for offences under sections 337-A(i), 337-F(v), 337-L(ii), 147, 148, 504, PPC.

Brief facts of the prosecution case as disclosed in the FIR are that the complainant and applicant/accused Ameer Bux were on disputed terms over matrimonial affairs. On the day of the incident at 09:00 a.m, accused Ameer Bux, Rasool Bux and Rustam along with two unidentified persons were present near Sardar Hotel village Ahmed Mian, where it is alleged that complainant also reached. Applicant/accused Ameer Bux who was armed with hatchet caused wrong side of hatchet to complainant at his left arm. Other accused also caused injuries to the complainant. Accused Rasool Bux who was armed with pistol caused butt blows to complainant. After the incident the complainant went to Police Station. On the completion of the usual investigation the challan has been submitted for offences under sections 337-A(i), 337-F(v), 337-L(ii), 147, 148, 504, PPC.

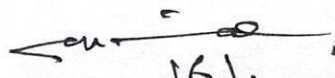
Mr. Faiz Muhammad Larik, learned advocate for applicant/accused contended that injury received by the complainant Muhammad Soomar is on non vital part of the body. Applicant/accused is no more required for investigation. The alleged offence does not fall within the prohibitory clause of section 497, Cr.P.C. Regarding malafide on the part of the complainant, learned advocate for applicant submitted that there is matrimonial dispute between the complainant and the accused persons. It is argued that co-accused have been granted bail by trial Court. In support of his contentions, he has relied upon the cases of Tariq Bashir and 5 others v. The State PLD 1995 Supreme Court 34 &

 Aziz and 2 others v. The State 2007 P.Cr.L.J299.

NB

Mr. Khadim Hussain Khooharo, learned D.P.G has argued that the name of the applicant/accused transpires in the FIR and he has caused injury with wrong side of the hatchet to the injured. The ocular evidence is corroborated by the medical evidence. He has opposed the bail application.

I am inclined to grant bail to the applicant / accused for the reasons that there is delay of about three days in lodging of the FIR for which no plausible explanation has been furnished. It is alleged that accused Ameer Bux caused back side of the hatchet to the complainant on his left arm which is on non vital part of the body. Co-accused Sikandar alias Rasool Bux and Rustam have already been granted bail by the trial Court and this fact has not been denied by the learned D.P.G. Case has been challaned. Applicant/accused is no more required for investigation. The alleged offences do not fall within the prohibitory clause of section 497, Cr.P.C. As regards malafide, it is submitted that there is matrimonial dispute between complainant and present applicant/accused. In these circumstances, while respectfully relying upon the case laws submitted by the learned advocate for applicant, I have no hesitation to hold that a case against the applicant for grant of pre-arrest bail is made out. Resultantly, interim pre arrest bail already granted to the applicant/accused is hereby confirmed on the same terms and conditions.


Judge 16/11