

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

Criminal Bail Application No.S-863 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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02.10.2024

Mr. Zarab Hyder Memon, Advocate for applicants along-with applicants (on bail).

Mr. Haji Khan Brohi, Advocate for complainant.

Mr. Irfan Ali Talpur, Assistant Prosecutor General Sindh.

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ZULFIQAR ALI SANGI, J.- Through instant Criminal Bail Application applicants seek pre-arrest bail in Crime No.82 of 2024 registered at P.S. Kario Ghanwar under sections 324, 147, 148, 149, 337-A(i), 114, 427 and 504 P.P.C.

2. It is alleged against the applicants that they after having formed an unlawful assembly and in prosecution of their common object on the instigation of applicant Muhammad Saleem not only caused iron rod and lathi injuries to brother of complainant namely Ayaz Ali on head and other parts of his body but also broken glasses of cabin owned by complainant, hence the FIR.

3. The bail application has been sought on the ground that there is delay of three days in registration of FIR; that prior to present FIR another FIR bearing No.80 of 2024 was lodged by applicants party against the complainant party; that there appears contradiction in between medical and other piece of evidence; and, that applicants have involved with malafide intention.

4. The bail plea has been opposed by learned APG as well as counsel for complainant on the ground that delay has been explained by the complainant in the FIR and injuries so received by the injured Ayaz Ali (the brother of complainant) are on his vital part and are punishable upto ten years, therefore, offence falls within the prohibitory clause of section 497 Cr.P.C.

5. I have heard learned counsel for respective parties and perused the record available.

6. From perusal of record it reflects that after receiving the injuries the injured had appeared at PS promptly and after obtaining letter approached the Hospital due to receiving serious injuries as certified by the doctor and the weapons used by the applicants were hard and blunt substance as also opined by the doctor thereby the medical evidence supported the version of the complainant. Further the injured PW has also supported the case of prosecution in 161 Cr.P.C statement and as per final medico-legal certificate the injuries No.1, 2 & 3 being *Shajjah-i-hashimah* & *Shajjah-i-Muna-Qillah* punishable upto ten years while fourth is *Shajjah-i-Mudihah* punishable upto five years imprisonment and lastly fifth & sixth are *Shajjah-i-Khafifah* punishable upto two years are declared. It appears that injuries having been caused on vital part of injured Ayaz Ali are punishable upto ten years and since the serious injuries were caused on vital part of the body of Ayaz Ali section 324 P.P.C has attracted in the case. No serious malafide on the part of complainant or investigating agency is pointed out which is essential requirement for grant of pre-arrest bail. There appears sufficient material available on record which connects the present applicants with commission of offence, therefore, Criminal Bail Application is dismissed result thereof interim pre-arrest bail already granted to applicants vide order dated 05.08.2024 is hereby recalled.

7. Needless to mention that the observations made hereinabove are tentative in nature and would not influence learned Trial Court while deciding case of applicants on merits.

JUDGE