

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

Criminal Bail Application No.S-1018 of 2024

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**DATE ORDER WITH SIGNATURE OF JUDGE**

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**03.10.2024**

Mr. Muhammad Rafique Arain advocate along with applicant on bail.  
Mr. Nazar Muhammad Memon, Addl.P.G Sindh.

**ZULFIQAR ALI SANGI, J.-** Applicant seeks pre-arrest bail in Crime No.63/2024 registered at P.S. Dehi U/s 324, 506/2, 147, 148, 149, 337-F(i), 504 PPC after his bail was declined by the learned Sessions Judge Badin vide order dated 26.08.2024.

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

3. It is contended by the counsel for applicant that there is contradiction in the FIR and medical certificate; that the injury as alleged against applicant is declared by Doctor as 337-F(i) PPC and the same is punishable for one year and is bailable; that co-accused, who has also caused injury, has been granted bail by the trial court. He lastly, prayed for confirmation of interim pre-arrest bail granted to the applicant.

4. The bail has been opposed by learned APG that applicant is nominated in the FIR with specific role; that the medical evidence is supportive; therefore, applicant is not entitled for grant of pre-arrest bail.

5. Heard learned counsel for the applicant and APG and perused the material available on record.

6. From perusal of material available on record, it reflects that applicant was alleged to be armed with hatchet and caused hatchet blow on the shoulder of PW Usman who was examined by the Doctor. The injury has been declared by the Doctor as 337-F(i) PPC which is punishable for one year and is bailable. Furthermore, the ocular account is in contradiction with medical evidence. As per Medico Legal Certificate the injury is of hard and blunt substance. As to the applicability of Section 324 PPC, it is observed that if the applicant had intention to commit murder he was in chance to hit the injured with sharp side hatchet but it has not been done. However, the applicability of section 324 PPC is to be decided by the trial court after recording evidence. The co-accused against whom the allegation of causing injuries has been granted post-arrest bail.

7. Under such circumstances, the applicant has been able to make out a case for confirmation of interim pre-arrest bail, as such, this bail application is allowed and the interim pre-arrest bail already granted to the applicant vide order dated 12.09.2024 is hereby confirmed on the same terms and conditions.

**JUDGE**

Ali Haider