

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

Criminal Bail Application No.S-1113 of 2024

Applicant : Muhammad Kashif Bhatti present on interim pre-arrest bail through Syed Kamran Ali, Advocate.

Respondent : The State through Ms. Rameshan Oad, Assistant Prosecutor General Sindh along with Inspector Muhammad Chungal on behalf of SSP Hyderabad and SIP Muhammad Khan PS Hali Road, Hyderabad.

Complainant : Muhammad Junaid through Mr. Yawar Abbas Mughal, Advocate.

Date of hearing : 25.11.2024.

Date of Order : 25.11.2024.

**ORDER.**

**Amjad Ali Sahito, J:-** Through instant bail application, the applicant/accused namely, Muhammad Kashif Bhatti seeks pre-arrest bail in Crime No.165/2024, registered at Police Station Hali Road, Hyderabad for the offence under sections 337-F(iii) Q & D, 34 PPC. Earlier the bail plea of the applicant/accused was declined by the learned 7<sup>th</sup> Additional Sessions Judge, Hyderabad vide order dated 02.10.2024.

2. The details of the FIR are included in the bail application and its attached copy, so there is no need to restate them here.

3. Learned counsel for the applicant contends that the applicant/accused has falsely been implicated in this case otherwise, he is innocent. He contends that the FIR is delayed by three months. He further contends that the applicant lodged FIR against the complainant party being crime No.75/2024 at PS Hali Road in the month of June 2024. He further contends that the injury is self suffered and medical certificate has been challenged. He further contends that the investigation is complete and the offence does not come within the ambit of prohibitory clause, as such, the applicant is also entitled for grant of bail and prays that the interim pre-arrest bail already granted to the applicant may be confirmed.

4. On the other hand, learned A.P.G. Sindh and learned counsel for the complainant vehemently oppose the confirmation of bail to the applicant. They argue that the delay in filing the FIR has been adequately explained and after receiving a medical certificate, complainant went to the police station to loge the FIR, but the police refused. He then approached the Prime Minister's Portal and filed an application under section 22-A & B of the Cr.P.C. After

obtaining an order from the VIII<sup>th</sup> Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad, the FIR was finally lodged.

5. Heard and perused the record.

6. From perusal of record, it reflects that the dispute over the construction between the complainant and the accused is clear, and the applicant Muhammad Kashif Bhatti shot the complainant injuring his arm. After receiving medical treatment, the complainant lodged FIR. Whereas, delay in registering the FIR was fully explained by the complainant as after initial refusal by the police, the complainant approached higher authorities i.e. Prime Minister's Portal and then filed application in terms of section 22-A & B Cr.P.C and obtained an order from the VIII<sup>th</sup> Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad. The FIR lodged by the applicant against the complainant party was lodged in June 2024. In contrast, the FIR lodged by the complainant pertains to an incident that occurred on 14.08.2024; therefore, the incident at hand cannot be considered a counter-version of the previous case. The eyewitness accounts and medical evidence fully support each other. It is important to note that, at the bail stage, only a tentative assessment is made. At present, there is sufficient evidence available that could connect the applicant to the commission of the offense.

7. In view of the above facts and circumstances, learned counsel for the applicant has failed to make out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. Consequently, instant criminal bail application is **dismissed**. Resultantly, interim order dated 09.10.2024 passed earlier by this Court is hereby recalled.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE