

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

Criminal Bail Application No.S-1246 of 2024

Applicants : Abdul Jabbar, Hussain Bux, Ali Murad, Rehman Ali and Raza Muhammad Rodnani through Mr. Ghulam Rasool Mallah, Advocate.

Respondent : The State through Mr. Irfan Ali Talpur A.P.G. Sindh.

Complainant : None present.

Date of hearing : 28.11.2024.

Date of Order : 28.11.2024.

ORDER.

Amjad Ali Sahito, J:- Through instant bail application, the applicants/accused namely, Abdul Jabbar, Hussain Bux, Ali Murad, Rehman Ali and Raza Muhammad Rodnani seek pre-arrest bail in Crime No.120/2024, registered at Police Station Sehwan for the offence under sections 337-A(i), 337-A (ii), 337-F (i), 337-L (ii), 504, 147, 148, 149 PPC. Earlier the bail plea of the applicants/accused was declined by the learned Additional Sessions Judge, Sehwan vide order dated 16.11.2024.

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 applicants contends that the applicants have falsely been implicated in this case otherwise, they are innocent. He further contends that there is counter version between the parties prior to this one Abdul Jabbar lodged FIR against the complainant party wherein complainant party received injuries falling under section 337-A (i), 337-F (i) PPC. He further contends that the offence does not fall within the ambit of prohibitory clause of section 497 (1) Cr.P.C. and the case is of further inquiry. He further contends that the applicants are entitled for grant of bail and prays that the interim pre-arrest bail already granted to the applicants may be confirmed.

4. On the other hand, learned A.P.G. Sindh vehemently opposes the confirmation of bail to the applicants.

5. Heard and perused the record.

6. It is the case of prosecution that the complainant was dumping bricks from tractor trolley in the common street on which, the accused annoyed and near about six persons having lathis and iron rods in their hands

started abusing to the complainant party. However, complainant stated them to be gentlemen and do not abuse but the accused started fighting to them. Resultantly, one of the applicants namely Raza Muhammad took brick and hit it to the complainant on his left side of head and blood oozed. Meanwhile, nephew of complainant namely Subhan and son of his maternal uncle Fayyaz Ali appeared and they tried to rescue him but the accused also caused iron rod and cudgel blow to Subhan and Fayyaz on their heads. As per medical certificate, complainant has sustained injuries falling under section 337-A (ii) PPC. Medical Certificate in respect of injured Subhan depicts that he has sustained six injuries i.e. (1) Laceration wound on temporal measuring 2 cm x 1 cm (2) Laceration on vertex region measuring 2.5 x 1 cm (3) Laceration on parietal region measuring 4 x 2 cm (bone exposed), (4) Contusion on left leg blow knee joint measuring 1 x 0.2 cm and (6) Contusion on left foot over big toe measuring 4x0.5 cm. While, injured Fayyaz Ali sustained lacerated wound on occipital region measuring 6 cm x 2 cm (bone exposed). As such, injuries are caused on the vital parts of the injured and the offence is not bailable. The seriousness of the offence and the nature of the attack on the complainant party, demonstrates the dangerous attitude of the accused persons which cannot be overlooked they need custodial interrogation to discover the full extent of their criminal actions. 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 applicants to the commission of the offense.

7. In view of the above facts and circumstances, learned counsel for the applicants have 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 19.11.2024 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 applicants on merits.

JUDGE