

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

Cr. Bail Application No.S-245 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objections.
2. For hearing of main case.

17.04.2023.

Applicant is present on interim pre-arrest bail.

Mr. Rasool Bux Lara, Advocate for applicant.

Mr. Aijaz Ali Lakho, Advocate for complainant.

Ms. Sana Memon, Asst. Prosecutor General, Sindh.

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MUHAMMAD IQBAL KALHORO J:- Parties are already on inimical terms. On 10.02.2023, when complainant party was present on his agriculture land situated in Taluka Daur District Shaheed Benazirabad within police station of Jam Dattar, six (06) accused including applicant duly armed with weapons accosted complainant party, and attacked them. Applicant is said to have tried to cause sharp side hatchet blow on the head of PW Sadique but he in order to save himself jerked his hand in front of his head and got a injury on little finger of left hand which has been opined by Medico Legal Officer as 337-F(vi) punishable up to seven (07) years.

Learned counsel for applicant in defense has argued that the parties are inimical to each other, applicant party had already registered an F.I.R against the complainant party and in order to offset effect of that F.I.R. this false F.I.R has been registered against applicant. The injury is on a non-vital part of the body and there is difference between medical evidence and ocular account as the ocular account states sharp side blow sustained by the victim but the medical certificate opines hard and blunt substance having been used. Learned counsel for the complainant has objected to this application however, learned Asst. Prosecutor General, Sindh keeping in view the non-vital part of the victim and ongoing enmity between the parties has given no objection.

I have considered submissions of the parties and perused material available on record. There is series of F.I.R registered by the

parties against each other. The injuries sustained by the victim is on non vital part of his body i.e. little finger of left hand. In the circumstances the story of six persons attacking upon complainant party requires further enquiry. Keeping in view enmity between the parties false implication of applicant cannot be ruled out either. More so, as no objection has been given by the Assistant Prosecutor General, it appears that the custody of the applicant is not required as the Challan has already been submitted in the Court. The case for bail by the applicant in such circumstances is made out. Accordingly, the bail application is allowed and ad-interim pre-arrest bail granted to applicant vide order dated 21.03.2023 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

****Hafiz Fahad****