

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

Criminal Bail Application No.S-1261 of 2024

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

03.01.2025

Mr. Muneer Ahmed Channa, Advocate for applicant.
Mr. Ashfaque Hussain D. Solangi, Advocate for complainant.
Mr. Irfan Ali Talpur, Assistant Prosecutor General, Sindh.
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MUHAMMAD IQBAL KALHORO, J. It is alleged in FIR that cattle of the applicant trespassed on the lands of the complainant party which they pushed out, hence applicant became angry and on 27.08.2024, he along-with other accused came at the lands of complainant and at the instigation of co-accused Hashim, applicant caused a hatchet blow on the head of brother of complainant namely Imtiaz Ali. The other accused also caused him *lathi* blows. The injury sustained by victim from the applicant has been opined as 337-A(ii) P.P.C punishable for five years.

Learned counsel for the applicant submits that applicant is innocent, and has been falsely implicated in this case; the story has been managed; no incident has taken place; the parties are in dispute and civil cases are already pending between them.

On the other hand counsel for the complainant and learned Assistant Prosecutor General have opposed the bail.

I have considered the submissions of learned counsel for respective parties. This is an application for pre-arrest bail which is an extraordinary concession, meant only to save innocent person from humiliation and arrest in a criminal case in which he has been falsely implicated. In this case the injury caused by the applicant is supported by medical evidence and 161 Cr.P.C statements of the witnesses. The provisional medical certificate shows that the victim approached the doctor on the same date, hence there is no delay on his part in reporting the matter. Therefore in presence of such prima facie evidence the applicant is not entitled to extraordinary concession of pre-arrest bail hence this bail application is **dismissed** and ad-interim pre-arrest bail granted to applicant vide order dated 22.11.2024 is hereby **recalled**.

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

JUDGE