

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail. Appl. No.2431 of 2024

Date	Order with signature of the Judge
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19.12.2024

Mr. Wazir Muhammad Hussain, Advocate for applicant.
Khwaja Naveed Ahmed, advocate for complainant.
Ms. Seema Zaidi, Addl. P.G.

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Baz Muhammad is seeking pre arrest bail in Crime No.547/2024 U/s 337 A(i), A(iii), 504, 34 PPC of P.S. Darkhshan, Karachi.

2. As per brief facts, applicant is a shopkeeper. On the day of incident viz. 16.09.2024 when complainant came to purchase water gallon from him, he accused him of stealing empty water gallon from his shop. On this dispute, they exchanged hot words and thereafter applicant alongwith two accomplices started beating complainant and caused him multiple injuries, out of which one injury falls u/s 337-A(iii), which is punishable upto 10 years.

3. Learned defence counsel has argued that applicant is innocent and not named in FIR; there are basically three accused against whom allegation of causing injuries to complainant has been leveled and applicant is entitled to bail;. He further submits that there is 11 days delay in registration of FIR.

4. On the other hand, learned counsel for complainant and learned Addl. P.G. have opposed bail to the applicant and have stated that incident took place at 9.20 p.m. and at 1.35 a.m. the same night applicant arrived in the hospital for medical examination but the final medical certificate was issued later on and on its receipt the FIR was registered.

5. I have considered submissions of the parties and perused material available on record. The delay in FIR has been properly explained as it was registered after issuance of final medical certificate. On the same day within 3/4 hours applicant reached hospital for medical examination before Medico Legal Officer which is clearly stated in provisional medical certificate. Applicant's name is not mentioned in the FIR because he was shop owner and his name was not known to the complainant. But it is not disputed that applicant is owner of the shop and accused in this case, even the complainant present in the court has verified this fact. The injury caused to the complainant is punishable upto 10

years and is a serious injury, which falls within prohibitory clause of section 497 (1) Cr.P.C. Applicant therefore, is not entitled to atleast pre arrest bail which is only meant to protect innocent person from arrest and humiliation in a criminal case in which he has been falsely implicated. On the contrary, there is sufficient material to show that applicant is connected with the commission of alleged offence. Accordingly, this pre arrest bail application is dismissed and ad-interim pre arrest bail granted to applicant is hereby recalled.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The bail application is disposed of.

J U D G E

A.K