

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

Criminal Bail Application No.S-1049 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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04-11-2022

Mr. Khadim Hussain Laghari advocate for applicant along with applicant.

Mr. Mansoor Ali Jessar advocate for complainant.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

**MUHAMMAD IQBAL KALHORO**, J:- Complainant is one of the PWs in crime No.183 of 2022, PS A-Section, Tando Allahyar lodged by Muhammad Idrees against accused and others. Applicant had issued threats to him to withdraw from evidence in that case which he refused. Hence, on 29.08.2022 applicant along with his son Waqas assaulted complainant standing in front of his house within jurisdiction of PS A-Section, Tando Allahyar, and caused him an injury on his right arm resulting in dislocation and fracture of the bone, opined by the Doctor as an injury under section 337-F (vi) PPC, non-bailable.

**2.** Learned defense counsel has submitted that applicant is innocent and has been falsely implicated. There is already civil litigation between the parties. There is 17 days unexplained delay in registration of FIR. Medical certificate has been challenged by the applicant before Medical Board. His arguments have been rebutted by the learned counsel for complainant and learned A.P.G. Sindh.

**3.** I have considered submissions of parties and perused material available on record, it shows that applicant on the very day had approached with information of the incident to the police and was issued a letter for treatment. After final medical certificate was issued, the FIR was registered by the police, hence there appears no delay in registration of FIR. Applicant is specifically nominated in FIR and the act of applicant i.e. stopping a PW from giving evidence in the Court is a serious one and if allowed could have an undermining effect over the system. Applicant has caused an injury to the complainant which is non-bailable, in presence of prima facie evidence, applicant is not entitled to concession of pre-arrest bail which is extendable to a person who is falsely implicated in the case in order to save him from

arrest otherwise required in a non-bailable offences. No case for indulgence is made out therefore instant application is dismissed.

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

JUDGE

**\*Abdullah Channa/PS\***