

ORDER SHEET  
IN THE HIGH COURT OF SINDH  
CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-1207 of 2022  
Criminal Bail Application No.S-1225 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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05-12-2022

Mr. Muhammad Tahir Nizamani advocate for applicant along with applicant Ghulam Rasool present on ad interim pre-arrest bail.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Mr. Shaikh Jawaid Ali advocate for complainant.

**MUHAMMAD IQBAL KALHORO, J:-** Allegedly applicant Ghulam Rasool along with co-accused four in numbers out of whom three unknown waylaid complainant party going to their village on a motorcycle, near Ghulam Muhammad Dahri link road District Sanghar on 24.09.2022 at 1630 hours. Applicant was allegedly armed with a pistol and Ghulam Ali armed with a Rifle. They all beat complainant causing him multiple injuries. Applicant Ghulam Rasool is alleged to have caused butt-blows of pistol on back and shoulder of left arm of complainant. The FIR was registered on 27.09.2022 after complainant was discharged from hospital. However, in medical certificate, as confirmed by the counsel of complainant and learned A.P.G. the alleged injuries attributed to applicant Ghulam Rasool are not mentioned, and therefore as per learned defense counsel case of the applicant requires further inquiry and his nomination in the case out of *mala fide* cannot be ruled out.

**2.** His arguments has however been opposed by learned counsel for the complainant. In any case as is apparent from the medical certificate, the injuries attributed to applicant in FIR are *prima facie* not mentioned and therefore case against applicant Ghulam Rasool requires further inquiry and in view of such fact: non-mention of injuries in medical certificate, false implication of applicant cannot be ruled out.

3. Accordingly, Criminal Bail Application No.S-1207 of 2022 is **allowed** on the above grounds. Ad-interim pre-arrest bail already granted to the applicant Ghulam Rasool is hereby confirmed on the same terms and conditions.

4. Insofar applicant Ghulam Ali is concerned, his specific role is *prima facie* supported by medical certificate, as confirmed by learned A.P.G. In view of such *prima facie* evidence he is not entitled to concession of bail. At this juncture, learned defense counsel has stated that direction to the trial Court may be issued for expeditious trial and he does not press the bail application. In view of above, bail application of applicant Ghulam Ali is **dismissed**. However, learned trial Court is directed to examine material witnesses including complainant within 45 days. After such period, and in any case applicant would be at liberty to file fresh bail application before trial Court which if he files shall be decided on its own merits in the light of material available before the Court of law.

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

JUDGE