

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

Criminal Bail Application No.S-617 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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Bail Before Arrest

1. For orders on office objection
2. For hearing of main case

13.09.2019.

Mr. Faisal Ali Raza Bhatti, Advocate for applicants along with applicants.

Mr. Roshan Ali Azeem Mallah, Advocate for complainant along with complainant.

Ms. Rameshan Oad, Assistant P.G.

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By means of this application, applicants are seeking pre-arrest bail in Crime No.61/2019 of P.S Tando Bago, under section 337-A(i), F(i), (v), 147, 149, 114, 504 PPC.

2. As per F.I.R., complainant Mst. Ambar and applicants/accused are neighbourers, however, are not on good terms. It is alleged that on the date of incident viz. 01.04.2019, the applicants/accused with their common intention attacked upon complainant and caused her multiple injuries. Complainant was examined by the medico legal officer who found four injuries on her person. All injuries have been declared falling under the offences which are bailable. In the said backdrop learned Counsel for the applicants/accused submits that the applicants/accused are entitled to grant of pre-arrest bail and moreover no specific injury has been attributed to any of the applicants/accused.

3. Learned Assistant Prosecutor General Sindh, in view of the fact that all the offences are bailable in which the custody of the applicants/accused would not be required in case they offer surety, has not opposed confirmation of ad-interim pre-arrest bail already granted to the applicants/accused.

4. Learned Counsel for the complainant present along with complainant has however submitted that the fate of this application may be decided in accordance with law.

5. I have gone through the material available on record including the final medico legal certificate of the complainant issued on 26.04.2019, which shows following injuries:

Injury No.1 Shajjah-i-Khaffifah falling u/s 337-A(i) PPC.

Injuries No.2 &3 falling u/s 337-L(ii) PPC.

Injury No.4 Ghayr-Jaifah-Damiyah falling u/s 337-F(i) PPC.

All the above said offences are bailable and in bailable offences, bail is right of the accused. However, I have seen that in the F.I.R. as well as in the charge sheet u/s 173, Cr.P.C section 337-F(v) PPC, which is non-bailable and is punishable for five years, has been mentioned. But neither learned Counsel for complainant nor the Assistant Prosecutor General Sindh have been able to explain as to how this section has been applied in the case when prima facie there is no evidence showing that any of the injuries sustained by the complainant falls under the same offence. This being the position and the no objection extended by the learned Assistant Prosecutor General Sindh, ad-interim pre-arrest bail already granted to the applicants / accused vide order dated 03.06.2019 is hereby confirmed on the same terms and conditions.

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

Bail application is allowed in above terms.

JUDGE