

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

Criminal Bail Application No.S-733 of 2018

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

09.08.2019.

Mrs. Razia Ali Zaman Khan Patoli, Advocate for applicant
along with applicant.

Mr. Nazar Muhammad Memon, Addl.P.G.

Complainant present in person.

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By means of this application, Applicant is seeking pre-arrest bail in Crime No.01/2017 of P.S Pabjo, under section 324, 337-A(ii), 337-L(ii), 34 PPC.

2. Allegations against the applicant are that he caused a sharp side hatchet blow on the head of complainant which has been opined by the medico legal officer as falling u/s 337-A(ii) PPC punishable for five years and as per the medico legal certificate was caused by hard and blunt substance.

3. Learned Counsel for the applicant has pleaded for confirmation of interim pre-arrest bail and has submitted that entire trial has been completed and now the case is fixed for final arguments on 22nd of this month.

4. On the other hand learned Additional Prosecutor General Sindh and complainant, who is present in person, have opposed grant of bail to the applicant. However, learned Additional Prosecutor General Sindh has not been able to controvert that there is a difference in medical evidence and the averments narrated in the F.I.R.

5. On the consideration of an apparent difference in medical evidence and ocular account plus in the light of dicta laid down by the Honourable Supreme Court in the case of REHMATULLAH versus The STATE (2011 SCMR 1332), whereby when the trial is at the verge of conclusion the proper course is to direct the trial court to conclude the trial in a specified period instead of dismissing the bail application, the bail of the applicant is hereby confirmed on the same terms and conditions on the basis of which he was granted ad-interim pre-arrest bail vide order dated 28.08.2018. The trial court is, however, directed to announce the judgment within a period

of one month from today and submit such compliance report through Additional Registrar of this Court without fail.

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

Disposed of.

JUDGE

Ali Haider