

**THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Criminal Bail Application No.S-88 of 2023

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For orders on office objection.

For hearing of main case.

08.05.2023.

Ms. Razia Ali Zaman Patoli advocate for applicants.

Ms. Sana Memon, Assistant Prosecutor General, Sindh.

Applicants are present on ad-interim pre-arrest bail.

Ms. Farzana Channa advocate for complainant.

O R D E R

MUHAMMAD IQBAL KALHORU, J:- Parties are caste fellows and related inter se and do not see eye to eye with each other on dispute of agricultural land regarding which litigation is already pending between them before different Courts. On the day of incident viz. 14.07.2022 applicant Muhammad Ashraf armed with a hatchet is alleged to have caused a blunt side hatchet below on ring finger of left hand of complainant Mst. Amina. Whereas, against applicant No.2 Muhammad Shareef, armed with a sickle, general allegations of causing blows are attributed. The injury attributed to Muhammad Ashraf opined by Medico-Legal Officer, falls within the purview of Section 337-F(iii) PPC, punishable for three years and is essentially minor in nature. Whereas, hurts assigned to applicant Muhammad Shareef fall within purview of Section 337-L(ii) PPC, which is bailable, hence, learned APG has given no objection to confirmation of bail to applicants, not least because there is already history of litigation between the parties. Same arguments have been made by learned defence counsel which however have been opposed by learned counsel for complainant.

In view of above facts and circumstances, when enmity between the parties is admitted and injury sustained by complainant is minor in nature and does not fall within the prohibitory clause of section 497 CrPC, the bail application is allowed and ad-interim pre-arrest bail granted to applicants vide order dated 30.01.2023 is hereby confirmed on the same terms and conditions.

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

JUDGE