

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

Criminal Bail Application No.S-733 of 2021.

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For hearing of main case.

22.10.2021.

Syed Faiz Ahmed Shah advocate for the applicant.  
Mr. Ghulam Ali Mughal advocate for the complainant.  
Mr. Nazar Muhammad Memon, Additional Prosecutor General.  
Applicant is present on interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Applicant alongwith other co-accused duly armed with dandas (clubs) and hatchets came in the street of complainant party and started beating to complainant Shaman, PWs Muhammad Ibrahim and Manzoor on account of dispute over payment of milk. All three persons have sustained multiple injuries some of which are bailable and some are non-bailable. The factum of injuries is supported by Medico Legal Officer who in the certificates has recorded all such injuries.

Learned defence counsel has argued that FIR is delayed for five days; that general allegations have been leveled against the applicant and most of the injuries are bailable.

On the other hand, learned counsel for complainant and learned APG have submitted that the applicant is nominated in the FIR with specific role and not entitled to pre-arrest bail which is an extra-ordinary relief.

Applicant and other co-accused as per FIR are assigned specific role. Applicant is not only assigned role of causing danda blow to PW Manzoor on his left eye but also to have caused beating to complainant alongwith two co-accused resulting in severe injuries. No doubt some of the injuries sustained by the injured are bailable but there are also injuries which are non-bailable. Most importantly, the FIR has been registered under Section 324 PPC which is punishable upto 10 years, besides other provisions related to injuries. No malafide to implicate the applicant has been alleged, and he appears to be connected with the offence.

In the circumstances, I am of the view that the applicant is not entitled to extra-ordinary concession of pre-arrest bail in presence of sufficient evidence against him and in absence of any malafide on the part of complainant to implicate him in this case. Accordingly, this bail application is dismissed and ad-interim pre-arrest bail granted to the applicant vide order 30.08.2021 is hereby recalled.

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

**JUDGE**

Irfan Ali