

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

Criminal Bail Application No.S-294 of 2020.

DATE	ORDER WITH SIGNATURE OF JUDGE
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04-05-2020

Mr. JunaidJabbarBelai, advocate for the applicants.

Ms. SafaHisbani, Assistant Prosecutor General Sindh.

Mr. Muhammad Yousif, advocate for the complainant.

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By means of this application, applicantsAllah Warrayo and Ghazi are seeking post-arrest bail in Crime No.04/2019, under section 324, 506/2, 34 PPC, registered at P.S. Jakhri Matiari.

2. Applicant Allah Warrayo is alleged to have caused a hatchet below on the head of complainant causing him an injury within mischief of section 337-A(ii)PPC, whereas applicant Ghazi is alleged to have dealt Lathi blows to the complainant causing him injuries within 337-L(ii) and 337 F(i) PPC. Applicant Allah Warrayo was arrested on the same date viz21.09.2019 whereas applicant Ghazi was subsequently arrested after dismissal of his pre-arrest bail application.

3. Learned counsel for the applicants has argued that challan has been submitted and maximum punishment for the injury assigned to applicant Allah Warrayo is only five years which does not fall within the prohibitory clause under section 497(i) Cr.P.C. whereas, the injuries assigned to applicant Ghazi fall within bailable offences.

4. Mr. Muhammad YousifKalhorowho has filed power on behalf of complainant and learned Assistant Prosecutor General have opposed grant of bail to the applicants.

5. I have considered submissions of the parties and perused the material available on record. The injury attributed to the applicant Allah Warrayo as opined by the Medico Legal Officer is Shajjah-i-Madiyah 337-A(ii) PPC and is punishable up to five years, whereas the remaining injuries allegedly caused by applicant Ghazi are 337-L(ii) and 337-F(i) PPC which are bailable offences. In the circumstances, applicability of section 324 PPCrequires

further inquiry. Further, the applicants are no more required for further investigation after submission of the Challan. The offences alleged against them do not fall within the prohibitory clause. In the circumstances, this bail application is allowed and the applicants are granted post-arrest bail subject to their furnishing solvent surety in the sum of Rs.100,000/- (One lac rupees) each and P.R Bond in the like amount to the satisfaction of learned trial Court.

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

JUDGE

Irfan Ali