

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

Criminal Bail Application No.S-347 of 2022.

---

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
-------------	--------------------------------------

---

For orders on office objection.

For hearing of main case.

09.09.2022.

Mr. Khalid Bin Sajjan advocate for the applicant.

Ms. Sana Memon, Assistant Prosecutor General, Sindh.

Mr. Aziz Ahmed Laghari advocate for complainant.

Applicant is present on ad-interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORO, J:- On 01.05.2022 at 1200 hours over previous enmity applicant alongwith accomplices, named in FIR, accosted complainant party in front of his house in village Chander Khan within jurisdiction of PS Kot Ghulam Muhammad District Mirpurkhas and present applicant allegedly caused direct hatchet blow to a son of complainant namely Muhammad Naeem on nose and other parts of body. The main injury on his nose has been opined as 337-A(iv) PPC non-bailable, punishable for ten years. The matter was reported on the same day to the police at about 1600 hours.

Learned defence counsel has stated that in FIR sharp side hatched blow has been alleged, which is belied by medical evidence and applicant has been implicated in this case due to enmity. His arguments have been rebutted by learned counsel for complainant and learned APG pointing out to his specific role causing serious injury to son of complainant.

Applicant is assigned specific role of causing a direct blow of hatchet to the son of complainant causing him injury which is punishable for 10 years and falls within the prohibitory clause of Section 497(i) Cr.P.C. No trace of malafide on the part of complainant can be alluded in these circumstances. FIR was registered on the same day with applicant specifically reflected for his role. Nowhere sharp side hatchet blow has been stated, as alleged in defence. Relief of pre-arrest bail is extra-ordinary which

is not available to an accused having been implicated in a case falling within the prohibitory clause of Section 497(i) CrPC with prima facie evidence against him and without any trace of malafide on the part of complainant. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to the applicant vide order 23.05.2022 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