

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

Criminal Bail Application No.S-829 of 2022.

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

For orders on office objection.
For hearing of main case.

03.10.2022.

Mr. Hemandas S. Sanghani advocate for applicants.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Applicants are present on ad-interim pre-arrest bail.
Complainant is present in person.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Applicants armed with hatchets and lathies barged in the house of complainant situated in Rind Muhalla Badin on 25.02.2022 at 1815 hours and caused injuries to him and his son Shahid Ali, 07 each, which medico legal officer has verified fall, among others, u/s 337-F(vi) PPC, non-bailable. The parties are brothers inter se and there is a dispute over matrimonial affair between them. Learned counsel states that prior to this FIR, accused party had also lodged an FIR against the complainant and this case is only a counterblast. Furthermore, FIR is delayed for 13 days for which no explanation has been given. Learned APG and complainant present in person have opposed the bail. Complainant says that since the applicants are his brothers and nephews, initially he tried to patch up the matter with them but when they refused and started harassing him, he appeared at police station and registered FIR, however, on the very first day he had appeared before police and got a letter for treatment.

I have considered arguments of the parties and perused material available on record. The applicants have been assigned specific role of causing multiple injuries to the complainant and his son, 07 each, which are duly verified by medical evidence. Complainant and his son had approached the police on the very first day and reported the matter and were given letters for treatment. Fault, if any, therefore in registering FIR with delay is on the part of police and not the complainant. More so, all these questions cannot be decided in an application filed for

pre-arrest bail in which apart from merits of the case, the element of malafide on the part of complainant has to be seen, which in this case does not appear to be present. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to them vide order dated 05.08.2022 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