

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

**Criminal Bail Application No.S-144 of 2020.**  
**Criminal Bail Application No.S-153 of 2020.**

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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**20-04-2020**

Applicants in Criminal Bail Application No.S-144 of 2020 are present on ad-interim pre-arrest bail.

Mr. Muhammad Bux Jamali, advocate for the applicants.

Ms. Safa Hisbani, Assistant Prosecutor General alongwith complainant.

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By means of above applications, applicants Allah Ditto and Ali Akbar are seeking pre-arrest bail whereas applicant Zeeshan alias Mour is seeking post-arrest bail in Crime No.342/2019, under sections 337-A(i), A(iii), 336-Q, 452, 34 PPC, registered at P.S. Sakrand, District Shaheed Benazirabad.

2. Applicants are nominated in the FIR with the allegation that they while armed with hatchets and lathies caused as many as eight injures to PW Tariq which as per opinion of Medico Legal Officer are severe in nature and some of which are punishable up to ten years.

3. Learned defence counsel has submitted that applicants are innocent and have falsely been implicated in this case; that complainant has compromised with the applicants and that they are appearing before the trial Court.

4. On the other hand, learned Assistant Prosecutor General has opposed grant of bail to the applicants.

5. I have considered submissions of parties and perused material available on record. The applicants are alleged to have caused injuries to PW Tariq which as per opinion of Medico Legal Officer are severe in nature, and which include injuries falling under section 336 PPC and 337-A(iii) PPC which are punishable for 10 years. The compromise of complainant with the applicants, if any, is of no relevancy at bail stage as such applications are not decided on the basis of affidavits and particularly so when as per scheme u/s 345 Cr.P.C. only the victim PW Tariq is competent to compound the offence against him and not the complainant. The grant of pre-arrest bail is an extra-ordinary relief which can be granted to protect innocent people from arrest in the cases in which they are

falsely implicated by the complainant or by the police and not the people against whom sufficient evidence is available. No material is available on record which shows that the applicants, who are assigned specific role of severely beating PW Tariq, have been implicated in this case falsely. The allegation against the applicant Zeeshan, who is in jail, are also supported by medical evidence revealing eight injuries to the victim. In presence of such a prima facie evidence, the applicant is not entitled to the concession of post-arrest bail. This being the position, I do not find the applicants to be entitled for the concession of bail. Resultantly, both these bail applications are dismissed. The ad-interim pre-arrest bail granted to the applicants namely Allah Ditto and Ali Akbar vide order dated 13.02.2020 is hereby recalled. However, learned trial Court is directed to conclude the trial within a period of three (03) months.

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

JUDGE