

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-188 of 2025.

Applicant: Talib son of Daarhoo by caste Khoso,
Through Mr. Nusrat Hussain Khaskheli, Advocate.

Complainant: Through Mr. Mashooque Ali Mahar, Advocate

Respondent: The State
Through Ms. Rameshan Oad, A.P.G.

Date of hearing: 26.03.2025
Date of order: 26.03.2025

ORDER

Syed Fiaz ul Hassan Shah, J: Through instant bail application, above named applicant seeks his admission to post arrest bail in Crime No.07 of 2025 registered under section 324, 506/2, 504, 337-F(ii) PPC, with P.S Khybrani. After the arrest applicant preferred his bail plea before the Court of Additional Sessions Judge, Matiari vide Criminal Bail Application No.56 of 2025 (Re- Talib Vs. The State) and same was dismissed vide order dated 18.02.2025; hence, instant bail application has been maintained.

2. Since the facts of prosecution case are already mentioned in F.I.R as well as memo of bail application, therefore, there is no need to reproduce the same.

3. It is inter-alia contended by the counsel for applicant that applicant/accused is innocent and has falsely been involved in the case by the complainant due to enmity; that there is 21 days delay in lodgment of FIR without any plausible explanation hence due deliberation and consultation cannot be ruled out and the same requires for further inquiry; that according to complainant, applicant caused hatchet blow to son of complainant Ashique Ali, who raised his hand but surprisingly he did not receive any injury at his hand, on the contrary, he received at his right leg, hence the guilt of accused in respect of offence u/s 324 PPC at this stage requires further enquiry while the remaining offences do not fall within the prohibitory clause of section 497 Cr.P.C. He lastly prayed for grant of bail in favour of applicant/accused.

4. On the other hand, learned A.P.G as well as learned counsel for the complainant strongly opposed the grant of bail and state that the name of applicant/accused is

specifically mentioned in the FIR with specific role of causing injury, therefore, he is not entitled for concession of bail in his favour at this stage.

5. I have heard the learned counsel for parties and perused the record.

6. Admittedly, the alleged incident has taken place on 05.01.2025 while the complainant lodged instant FIR on 26.01.2025 after a long delay of about 21 days without any plausible explanation, hence due deliberation and consultation cannot be ruled out and the same requires for further inquiry despite the fact that enmity between the parties over land dispute and candidly admitted by the complainant. Moreover, the injury so attributed to applicant/accused is on non-vital part of body hence, under the circumstances the guilt in respect of section u/s 324 PPC at this stage requires further enquiry while the remaining sections applied in FIR do not fall within the prohibitory clause of section 497 Cr.P.C. Even otherwise, the challan has been submitted before the Trial Court and applicant is not required for investigation. It is not case of the prosecution that applicant if he is released on bail he will temper or destroy the evidence nor prosecution shown any apprehension to threat the prosecutions' witnesses. In view of tentative assessment, the learned counsel for the applicant has made out a case for grant of bail, therefore, the bail application is **allowed**. Consequently, the applicant is granted concession of post arrest bail subject to furnishing his solvent surety in sum of Rs.50,000/- and P.R bonds in the like amount, to the satisfaction of Trial Court and these are the reasons of short order dated 26.03.2025.

7. Needless to say that any finding given or the observations recorded herein-above, it is only for the purpose of deciding this bail application, which will not affect the merits of case before the Trial Court in any manner and the Trial Court will try the case without being influenced from any observation.

J U D G E