

**IN THE HIGH COURT OF SINDH, CIRCUIT
COURT, LARKANA**

Criminal Bail Appln.No.S-415 of 2025

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| Applicant | Abdul Hameed s/o Muhammad Khan Through M/s Athar Abbas Solangi and Muthar Abbas Solangi, advocates |
| Complainant | Abdul Hafeez Buriro Through Mr. Sanaullah Gilal, advocate |
| Complainant | The State Through Mr. Nazeer Ahmed Bhangwar, D.P.G for the State |
| Date of hearing | 19-09-2025 |
| Date of order | 19-09-2025 |

ORDER

SHAMSUDDIN ABBASI, J.- Through instant Criminal Bail Application, applicant/accused Abdul Hameed seeks his admission to post-arrest-bail in Crime No.223/2025, for offence U/S324,34 P.P.C, registered with Police Station P.P Saddar, Kambar, after rejection of his bail plea by the learned trial court vide order dated 23.07.2025.

2. It is alleged in the F.I.R that applicant armed with repeater came at the scene of offence along with other co-accused and he caused gunshot injury to injured Haiz Abdullah with intention to commit his murder, which hit on his parental region of head.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case by the complainant, whereby complainant of this case has managed false certificate in connivance with the M.L.O and police dragged him in false criminal case; that final medical certificate issued by M.L.O was challenged before the medical board and medical board has

furnished its opinion by declaring the medical certificate as incorrect, therefore, case of applicant requires further inquiry in terms of Section 497(2) Cr.P.C. He has prayed for grant of post-arrest bail to the applicant/accused.

4. On the other hand, learned counsel for the complainant submits that applicant is nominated in the F.I.R with specific role for causing fire arm injury to injured on his head and provisions of Section 324 P.P.C are attracted in this case, therefore, he is not entitled for grant of post-arrest bail.

5. Learned D.P.G. has conceded to the grant of bail and recorded no objection on the ground that injury sustained by the injured was declared by the M.L.O as Shujja-e-Khafifaf, which is bailable.

6. Heard learned counsel for the applicant, learned counsel for the complainant, learned D.P.G. and perused the material available on the record.

7. Specific role for causing fire arm injury has been assigned to applicant, which hit on the head of injured. The M.L.O has issued final medical certificate declared the injury sustained by the injured as Shajja-e-Khafifah, which is bailable. Applicant party approached D.G Health Services Hyderabad in order to constitute the medical board and on his directions medical board was constituted by M.S Chandka Medical Hospital, Larkana and medical board examined the injured and declared the medical certificate issued by M.L.O as incorrect, which reflects that either M.L.O has issued this certificate in connivance with the complainant party or he is incompetent. Conduct of medical officer undermines the justice process, therefore, Director General Health Services, Hyderabad is directed to initiate enquiry and take disciplinary action against the M.L.O Dr. Syed Wasiu Rehman and furnish such report before this court within a month and if it comes on the record that he has issued the said certificate in connivance with the complainant party,

the matter may also be referred to Anticorruption Establishment for taking action in accordance with law.

8. There is inconsistency between medical evidence and ocular version case of applicant calls for further enquiry in terms of section 497 Cr.P.C. The applicant is admitted on post-arrest bail subject to furnishing solvent surety in the sum of Rs. 50,000/- (Rupees fifty Thousand only) and P.R bond in the like amount to the satisfaction of learned trial Court. He may also approach to learned trial court for his pre-mature acquittal in absence of valid medical record.

9. Needless to mention here that observations made hereinabove are tentative in nature and would not prejudice the case of either party at the time of conclusion of case.

JUDGE

Abdul Salam/P.A