

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
Cr. Bail Application No.S-159 of 2019

Date	Order with signature of Judge
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1. For orders on office objection at flag 'A'
2. For orders on MA No.1384/2019
3. For hearing of bail application

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Mr. Mumtaz Ali Junejo, Advocate for the applicant  
Syed Sardar Ali Shah Rizvi,

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Date of hearing: 15.04.2019  
Date of order: 15.04.2019

**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through instant Criminal Bail Application, applicant/accused Raja son of Ghulamullah Kandhro, seeks post-arrest bail in Crime No.136/2018, registered at Police Station Tando Masti Khan, under sections 324, 147, 148, 149 PPC.

2. As per FIR, the allegation against the applicant is that on 26.11.2018 at 2000 hours he inflicted hatchet blow to complainant Bahar Faqir son of Sheral Faqir which hit him on his fingers of left hand, which injury has been declared by the Medico Legal Officer as "Ghayr-Jaifah Badiah" falling under section 337-F(ii) P.P.C, which is punishable for three years.

3. Learned DPG by relying upon the case of Khalid Ahmed Soomro v. The State (2017 PLD SC 730), does not oppose the grant of bail to the applicant.

4. It appears that the applicant/accused was arrested on 03.12.2018 and since then he is confined in judicial custody. Police has submitted challan against the applicant/accused hence he is no more required for investigation. Offence under section 337-F(ii) P.P.C. does not fall within the prohibitory clause of section 497 Cr.P.C. In such like cases the basic

rule is bail and not jail. The alleged injury has not been caused on vital part of the body of the complainant warranting a positive conclusion that the applicant intended to cause death of the complainant; hence it is a fit case of further enquiry. Accordingly, the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees fifty thousands) and P.R bond in the like amount to the satisfaction of the trial court.

5. Needless to mention here that in case he applicant/accused in any manner misuses the concession of bail, the trial court shall be a liberty to recall his bail after serving him requisite notice.

Bail application stands dispose of.

JUDGE

Suleman Khan/PA