

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

Cr. Bail Application No. S- 417 of 2020

DATED	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of main case.

06.07.2020

Mr. Imtiaz Ali Abbasi, Advocate for applicant.

Mr. Faizan Ahmed Memon, Advocate along with complainant.

Ms. Rameshan Oadh, Asst. Prosecutor General, Sindh for State.

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ZAFAR AHMED RAJPUT, J.- Through the instant bail application, applicant Mian Muhammad Ismail s/o Mian Haroon seeks pre-arrest bail in crime No.75 of 2020, registered at PS Husri / Pabban, under sections 506, 504, 337-A(ii), 337-L(ii), 34 PPC. His earlier bail application bearing No.660 of 2020 was rejected by the learned Additional Sessions Judge-VIII, Hyderabad, vide order dated 07.05.2020. The applicant was admitted to ad-interim bail by this Court, vide order dated 11.05.2020, now he seeks confirmation of his bail.

2. Briefly stated, facts of the prosecution case are that on 27.04.2020 at 1900 hours complainant Ghulam Mustafa lodged aforesaid F.I.R alleging therein that he looks after the Shrine (Dargah) Shaikh Rehan Jagri and his cousin, namely Qadir Bux s/o Muhammad Sulleman is a Government Servant. He also alleged that Mian Muhammad, Iqbal, Nazeer Ahmed, Dodo Shaikh issued threats to his father and family members for their removal from Shrine. On 30.03.2020 he came out from his house in order to purchase vegetable and when at about 1100 hours, he reached near RO Plant Chowk, Mian Muhammad Ismail Shaikh having hatchet in his hand, Iqbal and Nazeer Ahmed having lathies in their hands and other abused him then Mian Muhammad Ismail caused hatchet blow at his left side of neck to which blood was oozing while Iqbal threatening to kill him and caused him injury at left side of his neck,

Nazeer caused him lathi blow at the left hand thumb, Dodo caused lathi injuries at his back side. Thereafter, complainant raised cries, on that villagers came there but due to injuries complainant became unconscious. Later, after getting treatment complainant lodged the present F.I.R.

3. After hearing the learned counsel for the applicant, complainant and A.P.G. and perusing the material available on record with their assistance, it appears that both the parties have inimical terms over Shrine. From the medico-legal report it is clear that all the injuries are punishable with five years or less. Hence, the alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C. and ordinarily in such cases the bail is to be granted as a rule. The present case does not fall within the exception laid down by the Honourable Supreme Court of Pakistan in the case of *Tariq Bashir vs. The State* (**PLD 1995 SC 34**). The applicant was admitted to ad-interim pre-arrest bail on 11.05.2020 and since then he is attending the trial Court regularly. Hence, the interim bail granted to the applicant vide order dated 11.05.2020 is hereby confirmed on same terms and conditions.

JUDGE

Hafiz Fahad