

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

Criminal Bail Application No.S- 145 of 2024

**16.08.2024.**

Mr. Zahid Hussain Buriro, Advocate for applicants alongwith applicants (on bail).

Ms. Sana Memon, A.P.G for State.

**ORDER**

**ZAFAR AHMED RAJPUT, J.-** At the very outset, learned counsel for the applicants seeks condonation of absence of the applicants on the last date of hearing on the ground that since the maternal grandmother of the applicant Irshad Ali @ Irshad had died, the applicants could not attend the Court on the last date of hearing. Accordingly, the absence of applicants for the last date of hearing is hereby condoned.

2. Having been rejected their earlier Pre-Arrest Bail Application No.249/2023 by the Court of Additional Sessions Judge, Sehwan vide order dated 25.01.2024, the applicants / accused have sought the same concession from this Court in Crime No.13/2023 registered at Police Station Jhangara u/s 324, 114, 337-F(iii), 337-L(2), 504, 34 PPC. Applicants were admitted to interim pre-arrest bail by this Court vide order dated 07.02.2024, now the matter is fixed for confirmation of interim bail or otherwise.

3. It is the case of prosecution that on 27.07.2023 at 2000 hours at Bajara to Sehwan link road near begunah bridge, the applicants / accused in furtherance of their common intention duly armed with firearm, hatchet and lathi respectively, attached on the complainant Ali Sher and thereby applicant Hakim Ali caused firearm injury to him on his thigh, Wazir caused hatchet below to him on his back side of shoulder and applicant Arshad Ali caused lathi below to him on the back side, for that the applicants were booked in the aforementioned FIR.

4. Heard and record perused.

5. Learned counsel for the applicants has placed on record certified true copy of order dated 18.07.2024 passed by Additional Sessions Judge, Sehwan in Sessions Case No.436/2023, whereby the learned trial Court by dispensing with the personal appearance of applicants / accused adjourned the matter as *sine die* till the attendance of complainant and his witnesses.

6. In view of the above position, learned A.P.G does not oppose the confirmation of interim pre-arrest bail earlier granted to the applicants.

7. It is an admitted position that no fatal injury has caused to the complainant. The firearm injury is not on the vital part of the body of complainant which has been described by MLO as "Ghayr Jaifah Mutalahimah" punishable u/s 337-F(iii) PPC with imprisonment for 03 years. Had there been an intention to cause murder to attract the provisions of Section 324 PPC, the applicants / accused would have caused injuries on the vital part of the body of complainant hence the application of Section 324, PPC shall be determined by the trial Court after recording evidence. It is also an admitted position that for want of complainant and his witnesses the trial Court has kept the case in abeyance. Hence, the instant bail application is allowed. Consequently, the interim pre-arrest bail already granted to the applicants vide order dated 07.02.2024 is hereby confirmed on same terms and conditions.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of applicants on merits. However, in case the applicants misuse the concession of bail in any manner whatsoever, the trial Court shall be at liberty to cancel the same after giving them notice, in accordance with law.

Criminal Bail Application stands disposed of.

JUDGE