

ORDER SHEET

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

Cr. Bail Appln. No.. 5- 165 of 2022.

Date _____ Order with signature of Hon'ble Judge _____

1. For orders on office objection as flag A.
2. For orders on M.A No. 1399 of 2022.
3. For hearing of bail application.

26.5.2022.

Mr. Suhail Ahmed Veesar, advocate for the applicant.

Mr. Ali Anwar Kandhro, Addl. P.G.

Mr. Ahmed Bux Abro holding brief for Mr. Faiz Muhammad Larik, advocate for the complainant.

ORDER.

MUHAMMAD SALEEM JESSAR-J.:-Through this application, applicant Muhammad Bachal seeks pre arrest bail in Crime NO. 34 of 2022 registered with P.S Ratodero for offence under Section 337-A(i), F(i), F(v) and 34 PPC.

Learned counsel for the applicant submits that FIR is delayed for about 5/6 days and the injury allegedly sustained by the P.W Ali Murad, the father of complainant, with lathi which landed on his left arm, as well as head, back and other parts of his body. He next submits that said injuries have been declared by the Medico Legal Officer to be punishable under Sections 337-A(i), F(i) and F(v) PPC and the same do not cross the limit of prohibitory clause of Section 497 Cr.P.C. He submits that parties are on strained relations over landed property, therefore, malafide on the part of prosecution can not be ruled out. In support of his contention he places reliance upon case of Zafar Iqbal and another v. The State reported in 2007 M.D 880. Learned Addl. P.G appearing for the state in view of legal position submits that punishment provided by law for the section applied in FIR are carrying maximum punishment upto five years, therefore, he extends his no objection.

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Since the FIR is delayed for about five days for which no plausible explanation was furnished and the delay in criminal cases has been held by superior Courts to be fatal for the prosecution. All the sections applied in the FIR are bailable except section 337-F(v) PPC which carries punishment upto five years and it does not exceed limit of prohibitory clause of section 497 Cr.P.C.

In the circumstances and in view of dicta laid down by the honourable Supreme Court of Pakistan in the case of Muhammad Tanveer v. The State (2017 P.L.D S.C 733), case against present applicant requires further enquiry. Consequently instant bail application is allowed. Interim pre arrest bail already granted to the applicant on 31.03.2022 is hereby confirmed on the same terms and conditions.

JUDGE

shobir