

**ORDER SHEET**

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

Cr. Misc. Appln. No.S- 215 of 2023.

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DATE OF HEARING

ORDER WITH SIGNATURE OF HON'BLE JUDGE

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For hearing of main case.

**21.04.2025.**

None present for the applicant.

Mr. Aitbar Ali Bullo, D.P.G.

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None present applicant. No intimation is furnished. Same was the position on the last date of hearing.

By this application, applicant/complainant is seeking cancellation of bail granted to the accused/respondents No.1 to 3 by learned Trial Court vide orders dated 15.6.2023 in Crime No.34 of 2023 of P.S Thariri Muhabat District Dadu under Sections 324, 506/2, 337-A(i), 337-F(i), 147, 148, 149, 504 PPC.

Details and particulars of the FIR are already available in the memo of instant application and same can also be gathered from the copy of FIR attached with the application, hence need not to reproduce the same hereunder.

In the application, it is contended by learned counsel for the applicant that accused/respondents No.1 to 3 have been nominated in the FIR out of whom accused Ashique caused dagger blow to complainant which hit on his middle finger while rest of accused caused kicks and fists blows to complainant, which is also supported by prosecution witnesses, yet learned trial Court has granted bail to them which is liable to be cancelled.

On the other hand, learned D.P.G opposed the application.

Admittedly the FIR is delayed for about 26 days without plausible explanation; injury allegedly sustained by the complainant at the hands of accused Ashique Ali is on non-vital part of body and both the eye witnesses are close relatives of the complainant, therefore, their testimony can not be taken as gospel truth in absence of any independent evidence which is lacking in this case at this stage; besides accused happen to be real cousins of complainant but he only stated in the FIR that they are his co-villagers. In view of above, prosecution case against the accused/respondents

No.1 to 3 calls for further enquiry therefore, impugned order passed by learned trial Court granting bail to the accused/respondents No.1 to 3 does not call for any interference by this Court. Resultantly instant criminal miscellaneous application is dismissed. However, learned Trial Court is directed to expedite the matter and conclude the trial within 60 days.

**JUDGE**

Shabir/P.S