

Order Sheet
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

Cr. Bail Appl. No. S- 91 of 2025
[Asgharv. The State]

Applicant : through Mr. G.M. Leghari, Advocate
Complainant : through Mr. Ahsan Ali Bhurgri, Advocate
Mr. Siraj Ahmed Bijarani, A.P.G.
Date of Hearing & Order : 17.03.2025

ORDER

MIRAN MUHAMMAD SHAH, J. Applicant Asghar seeks post-arrest bail in Crime No. 36 of 2024 registered at Police Station Talhar under Sections 324, 504 & 35 PPC.

2. Brief facts of the case as per FIR are that the Complainant is doing cultivation work and residing at government plot (padh). Moosa Junejo and others also reside in the same village. Adjacent to the houses of Complainant there is a vacant plot where the husk of rice of Complainant was kept. On the day of incident, complainant and his brothers Muhammad Hashim, Allah Jurio, nephew Jani S/O Muhammad Hashim, Abdul Rasheed S/O Allah Jurio were present in the house when the Complainant came to know that Moosa Junejo and others are taking their rice husk. The Complainant party reached at the plot and saw that each one namely (1). Moosa (2)Ali (3)Akbar (4)Asghar (present applicant), (5)Shoban (6)Haji all having hatchets in their hands to whom the Complainant asked that the husk is lying on their plot then why are you hedging the same, upon which co-accused Moosa caused hatchet blow on the forehead of brother-in-law Ali Muhammad, Shoban caused hatchet blow on the head of Ali Muhammad, Ali caused hatchet blow on the head of Ali Muhammad, Haji caused hatchet blow to Hashim (brother Complainant) on his head, Akbar caused straight hatchet upon Allah Jurio (brother of Complainant) on his head with intention to kill, thereafter accused Asghar caused hatchet blow with intention to kill to his nephew Abdul Rasheed on his head, Moosa caused hatchet blow on the head of his nephew Jani with, upon

which his brother-in-law Ali Muhammad fell down on the ground thereafter all the accused persons inflicted blunt side of hatchets upon Allah Jurio, Abdul Rasheed and Jani on different parts of body thereafter all the accused persons went to their houses using abusive language. Such FIR was registered.

3. Learned counsel for the applicant/accused argued that there is delay of about one month in lodging of FIR without any plausible explanation; that there is admitted dispute between parties over government land; that the injuries are self-suffered and the medical certificates are managed; that the allegation against present applicant/accused is of causing hatchet injury to injured Abdul Rasheed which injury has been declared as 337 F(i) PPC, as such same is bailable and section 324 PPC is not attracted against applicant/accused; therefore he is entitled for bail. He argued that case has been challaned and applicant/accused is behind bars for no reason. He lastly prayed for grant of bail to applicant/accused.

4. Learned counsel for complainant has argued that accused persons are nominated in FIR with specific role; that there are 5 injured persons in the case who have received grievous injuries at the hands of accused persons; that applicant/accused has earlier filed bail which was withdrawn by counsel, as such this bail is not maintainable without any fresh ground. He lastly prayed for rejection of this bail application.

5. Heard learned Counsel for the applicant as well as learned counsel or complainant and learned A.P.G.

6. Admittedly there is one applicant / accused before this court who has been attributed the injuries which as per medicolegal certificate are stated to be falling under Section 337-A(i) & 337-L(ii) which are bailable. In such circumstances the ingredients of Section 324 PPC which is not bailable cannot be attracted as the injuries attributed seems to be simple in nature; therefore, the role of present applicant / accused is distinguishable from the role attributed to co-accused. I place my reliance on the cases reported in 2020 YLR Note 66, PLD 2017 SC 733 & 2021 MLD 2106.

7. For the above reasons the bail was granted to the applicant vide short order dated 17.3.2025.

JUDGE

