

Order Sheet

IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

Cr. Bail Appl. No. S- 243 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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24.03.2025

For orders on office objections
For hearing of main case

Mr. Ghulamullah Chang, Advocate for Applicant

Mr. Irfan Ali Talpur, D.P.G. along with Sadam Hussain PS Shahpur
district Matiari

Applicant Danish son of Altaf Hussain seeks post-arrest bail in Crime No. 05 of 2025 registered at Police Station ShahpurDarpur district Matiari under Section 324, 504, 147, 148, 149, 337-H(ii), A(i) & F(i) PPC.

2. Brief facts of the case are per FIR are that on 01.02.2025, complainant Imran Ali, his nephew Muhammad Saleem, Gul Hassan and their labourerHubdar were working at the lands situated in Deh Palijani; meanwhile at about 0930 hours accused namely Altaf Hussain having repeater gun, Shahzad having hatchet, Danish (applicant) having gun, Rashid having stick and one unknown person having pistol came there, abused the complainant party. Meanwhile co-accused Altaf Hussain fired from his repeater upon PW Hubbdar which hit him at his right leg, applicant/accused Danish fired from his gun upon PW Gul Hassan which hit him at his right shoulder; he made another fire which hit him at the right hand of PW Muhammad Saleem. Such FIR was registered.

3. Learned counsel for the applicant/accused argued that there is enmity between the parties as the applicant has contracted free will marriage with Mst. Sughra who is relative of Complainant party; such application under Section 22-A & B Cr.P.C was filed before the concerned forum; that as per FIR, the injuries sustained by the complainant party are of simple in nature and are on non-vital parts of the body; that Section 324 PPC is not attracted in this case, hence the case of applicant/accused requires further enquiry. He

relied upon case laws reported in 2023 SCMR 1243, 2023 SCMR 1397, PLD 2017 S.C 730.

4. Learned A.P.G. argued that the applicant/ accused is specifically nominated in the FIR for causing blows and two fire injuries upon PWs Gul Muhammad and Muhammad Saleem, who sustained injuries and fallen on the ground; that the section 324 is non-bailable and falls within the prohibitory clause of Section 497(1) Cr.P.C, hence the applicant/accused is not entitled for bail.

5. Heard learned counsel for the applicant as well as learned APG. The Complainant inspite of issuance of notice is called absent.

6. After hearing the parties and perusing the record and medical certificates it transpires that all the injuries caused were on non-vital part of the body and as a result inclusion of Section 324 PPC is not attracted in this case. There is plethora of Judgments of Honourable Supreme Court which clearly states that if the injuries are on non-vital parts of the body then Section 324 PPC will not be applicable, hence the question of offence falling within the prohibitory clause does not exist and only the injuries sustained are to be considered at bail stage and in this case all the such sections applied are bailable. The case of Saeedullah and 2 others (2023 SCMR 1397) and the case of Jamaluddin v. The State (2023 SCMR 1243) show that in the above circumstances bail cannot be withheld; therefore, under the law and in view of the reported judgments of Honourable Supreme Court and the facts as narrated before this court, I am inclined to grant bail to the applicant. He shall be released on bail subject to his furnishing solvent surety in the sum of Rs.1,00,000/- (One Lac) and PR bond in the like amount to the satisfaction of learned Trial Court.

JUDGE