

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**Cr. Bail Appl. No.2403 of 2023**

Date	Order with signature of Judges
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For hearing of Bail Application

**06.03.2024.**

Applicant is present in person.  
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.  
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**Mohammad Karim Khan Agha, J.** Applicant Sajjad Hussain S/o. Muhammad Hashim is facing trial before the Vth Additional Sessions Judge Malir, Karachi arising out of Crime No.329/2023 U/s. 452, 337F(iii), 34 PPC registered at P.S. Ibrahim Hyderi, Karachi. He applied for pre-arrest bail along with 03 co-accused. The pre-arrest bail of the applicant was recalled whilst the pre-arrest bail of other co-accused was confirmed by the Vth Additional Sessions Judge Malir, Karachi vide order dated 19.09.2023, hence he has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the dispute exists between the complainant and the applicant and other co-accused regarding plot of land. On 06.08.2023 at about 02:00 pm the applicant and co-accused came and started abusing the complainant in her house and the applicant hits the complainant with a sharp object on her leg, hence the above FIR was lodged.

3. I have heard the parties and perused the record.

4. All the offences for which the applicant has been charged and in particular 337F(iii) carries the maximum sentence of 03 years imprisonment and 07 years respectively. The general rule in such like cases is that bail should be granted unless some exceptional circumstances exist, which justifies the refusal of bail. In this case there is no exceptional circumstance exist. No doubt the applicant has been given a specific role of hitting the complainant on her leg, however, this clearly shows that he had

not attempted to murder her to which he has not been charged with keeping in view injury caused to the leg of the complainant which was a non-vital part of her body as confirmed by the medical evidence. The charge has already been framed and as such the applicant is no longer required for further investigation.

5. Based on the above discussion, I hereby confirm the pre-arrest bail earlier granted on 25.10.2023 by this Court to the applicant Sajjad Hussain S/o. Muhammad Hashim on the same terms and conditions.

6. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the outcome of the trial of the applicant which shall be decided by the concerned trial Court on merits based on the evidence placed before it. The trial court is directed to complete the trial expeditiously.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE

*M. Arif*