

1

W

**ORDER-SHEET**  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Bail Appln. No. S- 307 of 2017.

Date of hearing 18.08.2017.	Order with signature of Judge
--------------------------------	-------------------------------

Mr. Gulshan R. Dayo, Advocate for applicant.  
Mr. Sardar Ali Rizvi, D.P.G.  
~~~~~

Omar Sial, J: Applicant Shahid Ali Magnejo has sought pre-arrest bail in Crime No. 20 of 2017 registered under Sections 337-F (v), 504 and 34 PPC at the Rasheed Wagan Police station. Earlier, his pre-arrest bail application was dismissed by the learned Sessions Judge Larkana vide his order dated 20.6.2017.

2. Brief facts of the case are that on 15.6.2017, complainant Mst. Hashma Khatoon lodged a FIR stating therein that on 06.6.2017 at 1:30 p.m. she was at home when the Applicant (who is her brother-in-law) and her father-in-law hit her with a stick after there was an altercation between them on account of housework, children and cooking issues.

3. I have heard the learned counsel for the Applicant as well as the learned DPG. The complainant and her counsel remained absent despite notice. My observations are as follows.

4. It appears that ongoing domestic friction which the complainant has had with her in-laws has led to the filing of this criminal case. The complainant went to the Office of the Police Surgeon at Chandka Medical Hospital on 07.6.2017 at 11:13 a.m. to have her injuries inspected. In her statement to the doctor, she stated that she was assaulted on 02.6.2017 at 10:00 a.m. This is in contradiction to what she stated in the FIR. The doctor also observed that apart from bruises she had another wound which was semi healed and stitched up. The probable time period of the injuries according to the doctor was about five days ago. The final medical report held this injury to be a fracture of the lower tibia. Be that

B

as it may, prima facie it appears that the injuries caused to the complainant were certainly not inflicted on the date she says that they were. There is no explanation on record to show why the FIR was registered after nine days of the incident. At this stage and based on the record available, prima facie malafide on part of the complainant cannot be conclusively ruled out. The allegations raised by the complainant against the Applicant also warrant further enquiry.

5. Above are the reasons for the short Order of 18.8.2017, in terms of which the interim pre-arrest bail granted to the Applicant on 17.7.2017 by this Court was confirmed on the same terms and conditions.

  
JUDGE