

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD**

Cr. Bail Application No. S- 520 of 2020

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| DATED | ORDER WITH SIGNATURE OF JUDGE |
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For orders on office objection.
For hearing of main case.

10.07.2020

Applicant is present on interim pre-arrest bail.

Mr. Rahat Bashir Siddiqui, Advocate for applicant.

Syed Shahzad Hyder Shah, Advocate for complainant.

Ms. Sobia Bhatti, Asst. Prosecutor General, Sindh for State.

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ZAFAR AHMED RAJPUT, J.- Through instant criminal bail application, applicant Rais Qureshi seeks pre-arrest bail in Crime No.58 of 2020, registered at P.S Pinyari for offence u/s 337-A(ii), 147, 148, 149, 506, 504 PPC. His earlier bail application bearing No.775 of 2020 was rejected by the learned VIIIth Additional Sessions Judge, Hyderabad, vide order dated 09.06.2020. The applicant was admitted to ad-interim pre-arrest bail by this Court, vide order dated 11.06.2020, now he seeks confirmation of his bail.

2. Briefly stated, facts of the prosecution case as disclosed in FIR are that on 20.04.2020 at 2330 hours near Mirza Qaleech Baig School Phuleli, the present applicant duly armed with iron rod alongwith co-accused Arjun Baggari and three unknown person attacked upon complainant party and the present applicant hit the iron rod on the head of the complainant whereby blood was oozing from his head. Other accused also beaten the complainant with dandas and lathies. Thereafter, on hue and cry, Mohalla people reached there, on that the accused ran away. The motive behind the incident as alleged in FIR is a dispute between complainant and present applicant over the plot.

3. After hearing the learned counsel for the applicant, complainant and A.P.G. for the State and perusing the material available on record with their

assistance, it appears that both the parties have dispute over a plot as admitted by complainant himself in the FIR. All the Sections are bailable except Section 337-A(ii) PPC which also does not fall within the prohibitory clause of Section 497 Cr.P.C. The injuries allegedly attributed to applicant has been declared by Medico-legal Officer as Shajjah-i-Mudihah, punishable under Section 337-A(ii) PPC which carries maximum punishment of 05 years and such medical certificate has also been challenged by applicant before D.G, Health, Hyderabad for constituting a Medical Board to determine the injuries. It is settled principle of law that in such like cases the bail is to be granted as a rule and its refusal is an exception. The present case does not fall within the exceptions laid down by Honourable Supreme Court of Pakistan in the case of *Tariq Bashir vs. The State (PLD 1995 SC 34)*. The applicant was admitted to ad-interim pre-arrest bail on 11.06.2020 and since then he is attending the trial Court as well this Court regularly. Hence, the instant criminal bail application is allowed and interim pre-arrest bail already granted to the applicant vide order dated 11.06.2020 is hereby confirmed on same terms and conditions.

JUDGE

Tufail