

CERTIFICATE OF THE COURT IN REGARD TO REPORTING

Crl. Bail Appl No. S- 196 of 2025

aeed Chandio

V E R S U S

The State

SINDH HIGH COURT

Composition of Bench Before **Mr. Justice Muhammad Saleem Jessar**

Single/D.B.

4
Date of Hearing: 26.05.2025

Decided on: 26.05.2025

(a) Judgment approved for
Reporting


YES
NO

CERTIFICATE

Certified that the judgment / Order is based upon or enunciates a principle of law / decides a question of law which is of first impression / distinguishes/ over-rules/ reverses/ explains a previous decision.

Strike out whichever is not applicable.

NOTE: - (i) This slip is only to be used when some action is to be taken.

(ii) If the slip is used, The Reader must attach it to be the top of the first page of the judgment.

(iii) Reader must ask the Judge writing the Judgment whether the Judgment is Approved for reporting.

(iv) Those directions which are not to be used should be deleted

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

1st. Crl. Bail Appln. No.S-196 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
--------------------	---------------------------------------

1. For orders on office objection 'A'.
2. For hearing of bail application.

26.05.2025.

Mr. Ali Anwar Sahar, advocate along with applicant (on bail).

Mr. Ali Anwar Kandhro, Addl. P. G.

Mr. Muhammad Ali Kandhro, advocate a/w complainant.

ORDER.

MUHAMMAD SALEEM JESSAR-J Through instant bail application, applicant Saeed son of Umeed Ali Chandio, seeks pre arrest bail in Crime No.86 of 2025 registered at Police Station Mehar, for offence punishable under sections 337-F(iv), 337-F(vi), 114, 504, 34, PPC.

2. The applicant filed Crl. Bail Application before the Court below which after due notice and hearing the parties was declined by way o order dated 03.04.2025, passed by IInd Additional Sessions Judge, Mehar.

3. The case has been challaned which is now pending for trial before the Court of Civil Judge/JM-III, Mehar (Re- The State v. Nooral Chandio & others). Learned counsel places on record true copy of case diary dated 17.04.2025 under the cover of his statement dated 26.05.2025, taken on record.

4. Since the facts of the prosecution case are already mentioned in the FIR as well as order passed by the Court below therefore there is no need to reproduce the same.

5. Learned counsel for the applicants submits that the FIR is delayed for about 10 days and no plausible explanation has been furnished by the prosecution. He further submits the applicant and the complainant are brother-in-law and sister-in-law *inter se* and due to certain matrimonial affairs the case has been registered against him hence submits that in view of their relationship the chances for reconciliation are opened hence by granting this application bail may be confirmed so that they may be in a position to settle their dispute amicably.

6. Learned Addl. P. G opposes the bail plea on the ground that though per FIR the Section applied is 337-F(iv) carrying five years punishment, however, per final Medico Legal Certificate, the injured sustained injuries which has been declared by MLO to be *Jarh Ghayr Jaifah Munaqillah* punishable under section 337-F(vi), PPC carrying punishment of seven years, therefore, the applicant is not entitled for the extra ordinary relief in shape of pre arrest bail.

7. Mr. Muhammad Ali Kandhro, learned counsel for the complainant by adopting arguments of learned Addl. P. G opposes the bail application and submit that the applicant being brother-in-law of the complainant has caused severe injury to her and she being lady could not resist and such type of incident are increasing day by day in the society. He; however, admits that co-accused who is husband of injured Chandni namely Nooral has also been granted bail by the Court below.

8. Heard arguments of learned counsel for the applicant, learned counsel for the complainant and learned Addl. P.G for the State and perused the material made available before me on record with their assistance.

9. Admittedly, the FIR is delayed for about 10 days for which no plausible explanation has been furnished by the prosecution for such an

inordinate delay; besides, the injury allegedly sustained by the injured is on her non vital part of the body, which carries punishment of seven years and it does not exceed limit of prohibition contained under section 497, Cr.P.C. The brother of accused Nooral who is husband of injured has been bailed out which is sufficient to hold that he was involved in this case due to matrimonial dispute. In the circumstances and in view of above factual position on record, the basic ingredients for grant of pre arrest bail as has been laid down by learned apex Court in case of *Rana Muhammad Arshad v. Muhammad Rafique and another* (PLD 2009 SC 427) are fully applicable and attracted in this case. The upshot of the above discussion is the applicant has made out a good *prima facie* case for his admission to pre arrest bail. Consequently, the bail application is hereby allowed. Interim bail granted to the applicant on 14.04.2025 is hereby confirmed on the same terms and conditions. The applicant present is directed to continue his appearance before the trial Court till final decision of the case.


Judge

M. Y. Pathan/**