

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

Cr. B.A. No. S- 638 of 2017

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<b>DATED</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
25.01.2018	

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For orders on office objection  
For hearing

Mr. Inam Ali Malik, advocate along with applicant  
Mr. Shahzado Saleem Nahiyoon, D.P.G.

**OMAR SIAL, J.**-Applicant Nazar Muhammad @ Nazar has sought pre-arrest bail in Crime No. 06 of 2017 registered under Section 337-A(i), 337-F(i), 504 & 34 P.P.C at police station Gulab Leghari on 19.7.2017. Earlier, the pre-arrest bail applications moved by the applicant before the learned Sessions Judge, Badin was turned down vide order dated 28.7.2017.

2. Brief facts of the prosecution case as stated by complainant Ali s/o Muhammad Soomar Chandio in aforementioned FIR are that he has strained relations with Nazar Chandio over some matrimonial affairs. On 09.07.2017 he was in his house when his nephew Rahib Ali came and told him that his son Shahid had told Rahib that Nazar Chandio had taken away the food that he (Shahid) was bringing for Rahib. The F.I.R. is not very happily worded but it appears that subsequently the Applicant (holding a hatchet), Zafar Ali (holding a hatchet), Dado (holding a cudgel) came and exchanged a few hot words with Rahib after which the Applicant hit Rahib on his shoulder with the blunt side of the hatchet he carried whereas the other two accused also hit Rahib.

3. I have heard learned counsel for the Applicant as well as learned DPG and have examined the available record with their able assistance. None appeared on behalf of the complainant. My observations are as follows:

- i. The offence with which the Applicant is charged appears to fall under Section 337-F(vi) P.P.C which carries a punishment up to 7 years imprisonment and thus falls within the non-prohibitory clause of section 497 Cr.P.C.
- ii. Details in the F.I.R. are vague but it appears that a small scuffle broke out at some stage that has led to Rahib being injured.

- iii. While ulterior motive on the behalf of the complainant is not clear at this stage, yet based on the evidence that is available, on balance, it would not be appropriate to put the Applicant through the humiliation and disgrace which he will possibly face at the hands of the police if arrested.
  - iv. The Supreme Court has observed in Muhammad Tanveer v. The State (PLD 2017 SC 733) that for cases not falling within the prohibitory clause of Section 497 Cr.P.C bail should not be refused on feeble grounds.
4. Above are the reasons for my short order of 25-1-2018 in terms of which the interim pre-arrest bail granted to the applicants was confirmed on the same terms and conditions.

JUDGE

karar\_hussain /PS\*