

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

Cr. B.A. No. S- 686 of 2017

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**DATED                      ORDER WITH SIGNATURE OF JUDGE**

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For orders on office objection  
For hearing

25.01.2018

Mr. Mazhar Ali Leghari, Advocate for applicant  
Mr. Shahid Ahmed Shaikh, DPG

**OMAR SIYAL, J.-** The Applicant has sought pre-arrest bail in Crime No. 9 of 2017 registered under Section 337-F(i)(ii), 504 and 34 P.P.C. at the Tando Yousuf police station. Earlier, his pre-arrest bail application was turned down by the learned 6<sup>th</sup> Additional Sessions Judge, Hyderabad on 3.5.2017.

2. Complainant Mohammad Aftab @ Babar Gadi lodged the aforementioned F.I.R. on 14.4.2017 reporting an incident that occurred on 8.4.2017. He stated that he is a scrap trader. On 8.4.2017 he was going on his motorcycle along with his brother Waqar when they were waylaid by the Applicant (who had a dagger in his hand) along with Rizwan Dhahi Bara (who had a dagger in his hand), Ashraf and Waqas Zakoota (who were both empty handed). The accused all said that Waqar had fought with them and hence he will not be spared. Ashraf and Waqas then abused the complainant and the Applicant stabbed him twice on his left arm and right side of his back. Rizwan Dhahi Bara stabbed the complainant's brother on his back. On the ensuing hue and cry, the accused ran away whereas the injured were taken to the hospital for treatment and subsequently lodged the above FIR.

3. I have heard the learned counsel as well as the learned DPG. Perused the record. My observations are as follows.

- i. There is no plausible reason still on record as to why the F.I.R. was delayed for 6 days. The two alleged eye witnesses Abdul Karim and Mohammad Asif, by the complainant's own account, arrived at the scene after the incident.
- ii. No recovery has been made.

- iii. There appears to be some form of enmity between the complainant's brother and the accused party. Ulterior motive cannot be conclusively ruled out at this stage.
- iv. The injuries attributed to the Applicant appear to fall within the definition of 337-E(i) and (ii) P.P.C. punishable u/s 337-F(i) and (ii) P.P.C with imprisonment of one and three years respectively this falling within the non-prohibitory clause of section 497 Cr.P.C.

Above are the reasons for my short order of 25.1.2018 in terms of which the interim pre-arrest bail granted to the Applicant on 18.8.2017 was confirmed on the same terms and conditions

JUDGE

Fahad Memon