

Order sheet
**IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD**

Cr. B.A. No. S- 778 of 2016

DATED **ORDER WITH SIGNATURE OF JUDGE**

31.01.2018

For hearing

Mr. Pervaiz Tariq Tagar, advocate along with applicant

Mr. Shahid Ahmed Shaikh, D.P.G.

OMAR SIAL, J.- Applicant Prof. Dr. Riaz Ahmed Raja has sought pre-arrest bail in Crime No. 179 of 2016 registered under Section 322 P.P.C. at Jamshoro police station. Earlier his pre-arrest bail application was turned down by the learned 1st Additional Sessions Judge, Kotri on 19.9.2016.

2. The F.I.R. in the case was registered by Shahid Moosa on 30-7-2016. He reported that on 12-6-2016 he had brought his cousin Sarfraz Ali to the Emergency Ward of Civil Hospital, Hyderabad for treatment of an electric shock. He was then shifted to Neurology Ward, whose in-charge was the Applicant. The Applicant recommended that Sarfraz be shifted to Bone Care Hospital, Hirabad and he would operate upon Sarfraz there as the Civil Hospital did not have the requisite infrastructure to deal with the case. The Applicant charged Rs. 140,000 for the operation however Sarfraz did not regain consciousness and later expired.

3. I have heard the learned counsel for the Applicant as well as the learned DPG. The complainant remained absent. My observations are as follows:-

i. From the very facts of the case it appears to be a case of further enquiry. The Applicant had no enmity with the deceased nor is any alleged by the complainant. Prima facie it appears that the doctor did everything he could to save the injured to the best of his ability yet the injured passed away. No doubt that the Applicant being a senior doctor by profession will undergo humiliation and disgrace if he will be arrested.

4. For the above reason, the interim pre-arrest bail granted to the Applicant on 21-9-2016 is confirmed on the same terms and conditions.

JUDGE

