

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

Cr.Bail.Appl.No.S- 941 of 2020

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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09.11.2020.

Mr. Nazar Muhammad Memon, Additional P.G. for State.

**ORDER**

Applicants are present in person on interim pre-arrest bail. No one is in attendance from the side of complainant. Mr. Sajjad Ali, Advocate while holding brief for Mr. Altaf Ahmed Shahid Abro, Advocate for applicants, simultaneously submits that latter learned counsel is not feeling well; however, so far as instant case is concerned, he under instructions submits that the offences with which applicants have been charged are carrying maximum punishment upto 07 years therefore, does not exceed the limits of prohibitory clause of Section 497 Cr.P.C. He further submits that case has been challaned and applicants after grant of interim pre-arrest bail and furnishing surety before this court have joined the trial court where it is fixed for evidence on 16.11.2020. He therefore, prays for confirmation of interim pre-arrest bail.

Learned A.P.G. in view of above proposal has opposed the bail application only to the extent of applicant / accused Hayat Khan while has raised no objection with regard to rest of the accused.

Heard. Record perused.

Admittedly, the applicants are nominated in FIR and allegedly have caused multiple injuries upon the person of complainant as well injured PWs. The injury allegedly sustained by injured PW Sher Ali is attribute to applicant / accused Hayat Khan however, said injury is shown on his leg which being non-vital part of his body has not been declared by Medicolegal Officer to be detrimental to his health or life. In this regard reliance can be placed upon the case of Master Dur Muhammad and 2 others v. The State (1994 P.Cr.L.J 1769). As far as rest of the applicants are concerned, sections applied in FIR except Section 452 which is punishable upto 07 years while rest of sections are bailable, therefore, following the dicta laid down by Honourable Supreme Court of Pakistan in case of Khalil Ahmed Soomro and others v. The State (PLD 2017 Supreme Court 730) and in case of Muhammad Tanveer v. The State and another (PLD 2017 Supreme Court 733), the case of applicants requires further inquiry within meaning of subsection (2) of Section 497 Cr.P.C. Consequently, instant bail application is hereby allowed. Interim pre-arrest bail already granted to the applicants in terms of order dated 25.09.2020 is hereby confirmed on same terms and conditions. The applicants present are directed to continue their appearance before the Trial Court without fail till final decision of the main case. Copy of order be communicated to the Trial Court through learned Sessions Judge concerned over fax today for compliance.

JUDGE

