

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Bail Application No.S-1070 of 2022

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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31.10.2022

Mr. Muhammad Hashim Laghari advocate for applicant along with applicant on ad-interim pre-arrest bail.

Complainant present in person.

Ms. Rameshan Oad, A.P.G.

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**MUHAMMAD IQBAL KALHORO, J.-** Applicant is a brother-in-law of complainant. He allegedly on account of latter's dispute with his wife, sister of applicant, gave him iron rod blows on lower part of his right leg in the house of complainant No.61-62 situated in Mutahida Colony, Unit No.10 Latifabad, Hyderabad along with co-accused Saifullah and Hidayatullah also his brothers-in-law causing him 5 injuries on 22.05.2021. Injury No.1 is 337F(vi) PPC, non-bailable, punishable for seven years, whereas remaining 04 injuries are bailable and minor in nature. Bail of co-accused has already been confirmed, applicant's bail has been dismissed on the ground that he has been assigned a specific role. Notwithstanding, there is delay of more than one year in registration of FIR. The witnesses cited by the complainant are his brother namely Abdul Sattar and relative Rehmat Ali. But even they did not bother to appear at PS and report the matter. Complainant present in person submits that since he was admittedly in hospital, he could not get the FIR registered against applicant. But, in any case he has not explained as to why his brother who is one of PWs did not report the matter to the police within time. Citing these grounds, learned defense counsel has pleaded for bail, opposed by learned Assistant PG and complainant present in person.

2. The delay in FIR has prima facie made the case against applicant to be one of further inquiry. Moreso, the medical certificate, on challenge, has been put in abeyance for want of

appearance of complainant/victim. Bad blood between the parties is admitted in FIR, therefore, false implication of the applicant cannot be ruled out.

4. Accordingly, this application is allowed and applicant's ad-interim pre-arrest bail granted to him vide order dated 12.10.2022 is hereby confirmed on the same terms and condition.

5. The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

