

**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-1158 of 2022.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.

For hearing of main case.

14.11.2022.

Mr. Imtiaz Ali Channa advocate for applicants.

Mr. Imran Ali Abbasi, Assistant Prosecutor General, Sindh.

Applicants are present on ad-interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Parties are co-villagers and relatives. On grazing of cattle applicants allegedly caused blunt side hatchet and danda blows to nephew of complainant Ihsan and his maternal cousin namely Ayaz on various parts on 13.08.2022 at 0800 hours. Applicant Dildar is alleged to have caused blows on back of Ihsan, applicant Manthar caused blunt side hatchet blow on elbow of right arm of Ihsan and applicant Gulbahar is said to have caused an injury on head of PW Ayaz Ali. All the injuries have been opined as bailable except injury u/s 337-F(iv) PPC (exposure of bone) attributed to applicant Manthar alias Karo. But before that, accused party had already registered an FIR No.12/2022 against complainant party citing an incident in which father of applicant Manthar was severely injured at the hands of complainant party. Learned counsel for applicants citing these grounds and the ground that question of aggressor and aggressed upon is yet to be determined has pleaded for bail, opposed by learned APG.

Notwithstanding, it appears that parties are at odds with each other. The injuries attributed to applicants are minor in nature, maximum punishment is only five years which does not fall within prohibitory clause. Malafide on the part of complainant against whom FIR by accused party had already been registered cannot be ruled out. Accordingly, the bail application is allowed and ad-interim pre-arrest bail granted to them vide order dated 01.11.2022 is hereby confirmed on the same terms and conditions.

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

JUDGE

Irfan Ali