

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-1083 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

21.11.2022

Mr. Fakharuddin Dahraj advocate for applicant along with applicant on ad-interim pre-arrest bail.

Mr. Samiullah Rind advocate for complainant.

Mr. Abdul Waheed Bijarani, APG.

--.--.

MUHAMMAD IQBAL KALHORO, J.- Parties do not see eye-to-eye with each other on the issue of electricity transformer. When on 29.09.2022 at about 01:30 pm, complainant was present in his house, applicant along with co-accused duly armed with iron rods trespassed his house and on the said issue caused them multiple injuries with iron rods. Applicant is said to have caused injury on his left hand, an injury opined by the doctor as 337-F(vi) PPC, dislocation and fracture of the bone. The injuries caused by the co-accused were declared minor and bailable in nature.

2. Learned defense counsel has argued that applicant is innocent and has been falsely implicated in this case; there are counter cases between the parties; there is delay of 02 days in registration of FIR which has not been explained; the role of each accused is to be determined in the trial and applicant is entitled to pre-arrest bail. His arguments have been opposed by learned counsel for complainant and learned Assistant PG appearing for the State.

3. Applicant has been assigned specific role of causing injury on left hand of the complainant, an injury which has been opined by the doctor as 337-F(vi) PPC, non-bailable, dislocation and fracture of his bone, punishment of which is 07 years. Besides causing such injury, the applicant is also alleged to have committed trespass of house of complainant. There is sufficient prima facie evidence connecting the applicant with the offence and therefore he is not entitled to the concession, extraordinary in

nature and is invoked only to save an innocent person from arrest in a non-bailable offence, otherwise requirement of law. In view thereof, this application is dismissed and applicant's ad-interim pre-arrest bail granted to him vide order dated 17.10.2022 is hereby recalled.

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

JUDGE