

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

Criminal Bail Application No.S-1160 of 2022

<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
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12.12.2022

Mr. Ghulamullah Chang advocate for applicants along with applicants on ad-interim pre-arrest bail.

Mr. Sajid Ali Soomro advocate for complainant.

Mr. Imran Ali Abbasi, Assistant Prosecutor General.

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MUHAMMAD IQBAL KALHORO, J.- Parties are brothers inter se but do not see eye-to-eye with each other on property matter regarding which a civil suit is already pending between them. On the day of incident viz: 11.08.2022, they quarreled with each other and as a result of which both parties sustained injuries. They have registered cases against each other but only in terms of applications u/s 22-A & B CrPC filed by them respectively in the court of 8th Additional Sessions Judge Hyderabad. Both parties have received injuries, maximum, as u/s 337-F(ii) PPC, punishable for 05 years. Bail of present applicants has been dismissed by the trial court on the ground that both applicants have been assigned specific role of causing injuries to complainant, which are verified in the Medico Legal Certificate.

2. Learned defense counsel has stated that in application u/s 22-A & B CrPC in para 04 containing the detail of incident, general allegations have been leveled against the applicants, and in only FIR registered after more than 15 days, the complainant has come up with a story assigning specific role. But, since there is enmity, mala fide on the part of complainant in describing the role of applicants cannot be ruled out. Learned Assistant PG has agreed to the contentions of counsel for applicants and has stated that since in counter case, bail has been granted to the complainant party, applicants are also entitled to the same treatment. These arguments have, however, been opposed by learned counsel appearing for complainant.

3. But, in any case, in view of above discussion, I am also of the view that mala fide on the part of complainant, who has not

given any detail vis-à-vis role of applicants in application u/s 22-A & B CrPC, cannot be ruled out.

4. Accordingly, in view of above discussion, on the above grounds, this application is allowed and applicants' ad-interim pre-arrest bail granted to them vide order dated 01.11.2022 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

