

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-984 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
-------------	---

1. For orders on office objections.
2. For hearing of main case.

03.10.2022.

Mr. Altaf Sachal Awan, Advocate for applicants alongwith applicants on ad-interim pre-arrest bail.

Mr. Aslam P. Sipio, Advocate for complainant.

Ms. Sana Memon, Assistant P.G.

O R D E R

MUHAMMAD IQBAL KALHORO, J- Applicants, armed with hatchets and lathies, on account of previous enmity over water course and government road, accosted complainant riding a motorcycle near village Sangrasi Abad near Chodagi Link Road and caused him multiple injuries. However, specific role of causing a head injury, opined as 337-A(ii) PPC, non-bailable, has been attributed to applicant Khuda Dino, who was allegedly armed with a hatchet.

2. Learned Defence Counsel has pleaded for bail on the grounds that there are general allegations against the applicants; mala fide on the part of complainant cannot be ruled out because of delay of one day in lodging of FIR, and a running old enmity between the parties. His arguments have been opposed by complainant's Counsel. Learned Assistant P.G has submitted that she does not have any objection to bail to the applicants except applicant Khuda Dino, who has caused an injury on a vital part of the complainant.

3. I have considered submissions of the parties and perused material available on record. Specific role has been attributed to only applicant Khuda Dino who has caused injury on head of the complainant, a vital part of his body, which has been confirmed in medical examination and recorded in medical certificate. Against remaining applicants, no specific allegation of causing any injury to the complainant has been attributed. The opinion of the learned

Assistant P.G is based on correct appreciation of facts. Therefore, while dismissing the bail application of applicant Khuda Dino, the bail of remaining applicants is confirmed on the same terms and conditions as set out in the order dated 20.09.2022 when they were granted ad-interim pre-arrest bail.

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

JUDGE

Shahid