

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-1290 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objections.
2. For hearing of main case.

16.12.2022.

Mr. Ghulam Mustafa Hingorjo, Advocate for applicant
alongwith applicant (on bail).

Mr. Abdul Waheed Bijarani, Assistant P.G Sindh.

ORDER

Muhammad Saleem Jessar, J, - Through instant application, applicant Hansraj seeks his admission on pre-arrest bail in Crime No.18 of 2022, registered at Police Station Jhangro District Tharparkar for offence under Sections 324, 337-A(i), 337-F(i), 337-F(vi), 337-L(ii), 114, 504, 147, 148, 149 PPC after his bail plea before first forum has been declined while other co-accused have been granted bail by the Court of learned Additional Sessions Judge-I, Tharparkar at Mithi vide order dated 26.11.2022 passed in Criminal Bail Application No.435 of 2022.

2. Since the facts of prosecution case are already mentioned in F.I.R as well impugned order passed by learned Additional Sessions Judge-I, Tharparkar at Mithi; therefore, there is no need to reproduce the same in order to save precious time of the Court.

3. Learned Counsel for applicant submits that allegation against the applicant is that he allegedly caused hatchet blow to injured Punhoon which landed on his head as well other parts of body; however, the injury allegedly sustained by injured has been declared by Medico Legal Officer as Shajjah-i-Khafifa which is punishable under Section 337-A(i) PPC and is bailable; besides remaining sections are carrying maximum punishment upto seven years; therefore, does not exceed limits of prohibitory clause of Section 497 Cr.P.C. He; therefore, prays for confirmation of bail. In support of his contentions, he has relied upon the cases reported as MUHAMMAD IJAZ v. The STATE and others (2022 SCMR 1271) and SULTAN and 6 others v. The STATE (2018 YLR 204).

4. Learned Assistant P.G Sindh appearing for the State also opposes bail application; however, confronting with the above legal position, he has no answer.

5. Heard and perused the record.

6. Admittedly, the F.I.R is delayed for about one month and seven days; besides the offence with which the applicant stands charged carries maximum punishment upto seven years; hence, does not exceed limits of prohibitory clause of Section 497 Cr.P.C. In the circumstances and in view of dicta laid down by the Hon'ble Supreme Court in case of *KHALIL AHMED SOOMRO & Others v. The STATE (PLD 2017 Supreme Court 730)* and *MUHAMMAD TANVEER v. The STATE & another (PLD 2017 Supreme Court 733)*, the case against applicant requires further inquiry as envisaged under sub-section (2) of Section 497 Cr.P.C.

7. Accordingly, instant bail application is hereby allowed. The interim pre-arrest bail already granted to applicant on 28.11.2022 is confirmed on same terms and conditions. The applicant present is directed to continue his appearance before the trial Court till final decision of the main case.

8. It is pertinent to mention here that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial.

JUDGE

Shahid