

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-718 of 2021

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

25.10.2021.

Mr. Manzoor Ahmed Panhwar, Advocate for applicants alongwith Applicants.

Mr. Shahzado Saleem Nahiyoon, Additional P.G a/w ASI Karim Bakhsh Lakho from P.S Kazi Ahmed.

Complainant present in person.

ORDER

MUHAMMAD IQBAL KALHORO, - Applicants nominated in F.I.R registered by complainant Muhammad Uris are assigned specific role of causing injuries to Ali Hassan on account of dispute over the children.

2. Learned Counsel for applicants submits that applicants are innocent; this is a counter case of a crime No.62 of 2021 registered against complainant party; that in counter cases, question of aggression and aggressed upon is to be determined first; the Medical Certificate was challenged before the Medical Board, which has opined that fabrication of injuries No.2 and 3 cannot be ruled out.

3. Learned Additional P.G in view of opinion of the Medical Board has recorded no objection. Complainant present in person has opposed grant of bail to the applicants.

4. I have considered submissions of the parties and perused the record. Admittedly, there are counter cases between the parties. The present F.I.R was registered after a delay of almost 15 days. The Medical Certificate was challenged before the Medical Board by accused, which has thrown doubt over injuries No.2 and 3 and has stated that fabrication of injuries No.2 and 3 cannot be ruled out. The remaining injury fall under Section 337-A(i) PPC is bailable.

5. In view of such facts and circumstances, the case requires further inquiry and false implication of applicants cannot be ruled out. Accordingly, this application is allowed and ad-interim pre-arrest bail already granted to the applicants vide order dated 27.08.2021 is hereby confirmed on same terms and conditions.

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

JUDGE

Shahid