

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-806 of 2021

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

1. For orders on office objections.

2. For hearing of main case.

15.11.2021.

Applicants are present on interim pre-arrest bail.

Ms. Sana Memon, Assistant P.G.

=

MUHAMMAD IQBAL KALHORO. J.- Applicants' Counsel has chosen to remain absent. I have heard applicants in person as well as learned Assistant Prosecutor General Sindh. Complainant Mst. Fouzia is relative of the applicants and has alleged in FIR that the applicants on account of previous enmity caused injuries to her son Shahmir on 19.07.2021. As per medical certificate the victim sustained three injuries, injury No.1 is opined as 337-A(i) PPC which is bailable, injury No.2 has been opined as 337-F(vi) PPC punishable for 07 years, whereas injury No.3 has been opined to fall under Section 337-L(ii) PPC which is also bailable. However, in the final Medical Certificate the Medico Legal Officer has stated that injured for the first time appeared after six days of the incident on 26.07.2021 and fabrication of injury No.2 i.e. 337-F(vi) PPC cannot be ruled out. His evidence has been recorded and he has stuck to his statement as above. The applicants have produced a copy of the deposition of Doctor for a perusal.

2. Learned Assistant Prosecutor General Sindh in view of above facts submits that the case against the applicants is of further inquiry and their false implication in this case cannot be ruled out. I do not see any reason to disagree with her opinion in the light of the evidence of Medico Legal Officer who has clearly stated that fabrication of injury No.2, the only non-bailable injury, cannot be ruled out. Accordingly, the bail application is allowed and ad-interim pre-arrest bail already granted to the applicants vide order dated 13.09.2021 is hereby confirmed on same terms and conditions.

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

JUDGE

