

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-661 of 2022

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

26.09.2022

Mr. Hameedullah Dahri, advocate for applicants along with applicants on ad-interim pre-arrest bail except applicant Ghous Bux.

Mr. Sikander Ali Soomro advocate for complainant along with complainant.

Mr. Imran Ali Abbasi, Assistant Prosecutor General.

-.-.-

MUHAMMAD IQBAL KALHORO, J.- Applicant No.2 Ghous Bux is absent. His advocate has sought condonation of his absence on the ground that he is not feeling well. Order accordingly.

2. Applicants on account of bad blood over loan amounting to Rs.300,000/- received by them from the complainant party but not returned, accosted complainant, his brother Subhan Ali and relative Abdul Latif near Naeem Jiskani Petrol Pump Johi Link Road on 30.05.2022 at 0900 hours, duly armed with hatchets, lathies, pistols and repeaters, and after hurling abuses, caused injuries to brother of complainant, Subhan Ali on various parts of his body, verified by the Medico Legal Officer in the relevant certificate.

3. Learned defense counsel while relying upon the case law reported as PLD 2017 Supreme Court 730 has pleaded for pre-arrest bail stating that offence does not fall within prohibitory clause and surprisingly the other persons present at the spot did not receive any scratch which makes the case one of further inquiry.

4. On the other hand, complainant's counsel and learned Assistant PG have opposed bail to the applicants citing case law reported as 2006 SCMR 933.

5. Applicants are specifically nominated in FIR for their role of causing injuries to victim Subhan Ali who, as per medical certificate, has received 05 injuries. One of the injuries, on his arm

is serious one fracturing and dislocating bone. FIR was lodged promptly and there appears to be no element of malafide on the part of complainant to falsely implicate the applicants. It is further reported that whole incident was recorded on mobile phone, which is a part of prosecution case, in addition. Relief of pre-arrest bail is extraordinary which can only be granted to an accused who has been malafidely arraigned in the case, which from the facts of present case does not appear to be the case here. Therefore, I find the applicants not entitled to extraordinary relief of pre-arrest bail.

6. Accordingly, this application is dismissed and applicants' ad-interim pre-arrest bail granted to them vide order dated 21.06.2022 is hereby recalled.

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

JUDGE