

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-1234 of 2020

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. Omparkash H. Karmani, Advocate for applicants alongwith Applicants.

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

Complainant is also present.

ORDER

MUHAMMAD IQBAL KALHORO, - Allegedly applicants alongwith other co-accused armed with hatchets, and with dogs came over the lands of complainant on 01.09.2020 and on account of previous enmity caused her hatchet blows and then exhorted the dogs to bite her.

2. Learned Defence Counsel has submitted that applicants are innocent and there is previous enmity between the parties; that medical certificate was challenged before the Medical Board but the complainant did not appear there and this fact has been admitted by the Medico Legal Officer in her evidence; and that there is delay in registration of F.I.R.

3. On the other hand, Mr. Saeed Shams Memon, Advocate present alongwith complainant, has filed power today on his behalf and Additional P.G have opposed grant of bail to the applicants. Additional P.G has submitted that medical certificate shows that complainant received as many as seven injuries, out of which, injury No.4 is a dog bite, hence the story narrated in the F.I.R stands supported. In regard to delay in F.I.R, he submits that on the very day the matter was reported by the complainant to the Police vide Entry No.761 dated 01.09.2020 and F.I.R was registered on 19.09.2020 because of late receipt of medical certificate.

4. I have considered submissions of the parties and perused the material available on record. Admittedly, all the three applicants have been assigned specific role of causing injuries to the complainant on different parts

of her body, which narration is supported by the Medico Legal Officer, showing as many as seven injuries on her body. So much so the part of the story, that applicants impelled the dogs to bite complainant, is also recorded in Medical Certificate as affirmed by learned Additional P.G. While deciding bail application, deeper appreciation of evidence cannot be undertaken. Learned Defence Counsel has tried to refer to cross-examination of the witnesses, but such exercise is beyond the scope of deciding a bail application. Prima facie, applicants appear to be connected with the offence and their role as stated in F.I.R is established by the Medical record. No case for extraordinary concession of pre-arrest bail in presence of sufficient evidence and in absence of any material implicating them on the basis of mala fide is made out. Resultantly, the application is dismissed and the interim pre-arrest bail already granted to the applicants vide order dated 16.12.2020 is recalled.

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

JUDGE

Shahid