

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-1051 of 2022

<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
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17.10.2022

Mr. Muhammad Idris Kalo advocate for applicant along with applicant on ad-interim pre-arrest bail.

Complainant present in person.

Ms. Rameshan Oad, A.P.G.

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MUHAMMAD IQBAL KALHORO, J.- Applicant, otherwise a relative of the complainant, on account of strained relations, committed house trespass of her house and at the instigation of co-accused Ghulam Mustafa caused her a blunt side hatchet blow on her hand causing an injury opined by the Medico Legal Officer as 337-F(vi) PPC, fracture and dislocation.

2. Learned defense counsel submits that applicant is innocent and has been falsely implicated in this case; no such incident has happened; co-accused has been granted bail. His arguments have been opposed by learned Assistant PG who submits that applicant has been assigned specific role and there is documentary evidence highlighting applicant's role in the case; his role is distinguishable, therefore, he is not entitled to concession of bail.

3. Applicant's name is mentioned specifically in FIR for causing an injury on the hand of complainant with a hatchet. Such injury has been opined by the Medico Legal Officer as 337-F(vi) PPC, dislocation and fracture of her hand, and is non-bailable. The grounds raised in defense require deeper appreciation of evidence which cannot be undertaken at this stage while deciding an application for a concession extraordinary in nature, meant only for an innocent person saving him from arrest, which is otherwise requirement of law in non-bailable offences.

4 Accordingly, this application is dismissed and applicant's ad-interim pre-arrest bail granted to him vide order dated 07.10.2022 is hereby recalled.

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

JUDGE