

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Cr. Bail Application No. 826 of 2021

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGES</b>
<b><u>24<sup>th</sup> December, 2021</u></b>	<p>Applicant present in person. Ms. Amna Ansari, DPG a/w Dr. Nisar Ahmed, Civil Surgeon, Thatta.</p> <p style="text-align: center;">=====</p> <p><b>Omar Sial, J:</b> Mashooq Ali has sought pre-arrest bail in crime number 80 of 2021 registered under sections 337-F(iii), 337-L(ii), 147, 149, 504 P.P.C. at the Sujawal police station. Earlier, his application seeking bail was dismissed by the learned Additional Sessions Judge, Sujawal on 28-4-2021.</p> <p>2. The aforementioned F.I.R. was registered on 8-4-2021 on the complaint of Maqbool Shah. Shah reported that on 3-4-2021 he was going with his mother-in-law on his motorcycle when they were intercepted by the applicant with a lathi, Ameen with a lathi, Mubarak with a lathi, Naseer with a lathi, Manzoor with a hatchet, Nawaz with a hatchet, Ramzan with a lathi, Ghafoor with a lathi. The applicant hit the complainant with the lathi he held on his wrist whereas the others also hit him with the instruments they carried. The accused then left the scene.</p> <p>3. I have heard the applicant in person as well as the learned Deputy Prosecutor General. The complainant did not effect an appearance in spite of notice.</p> <p>4. The F.I.R. has been lodged after 5 days of the incident without any cogent reason for the delay being given. While the impact of the delay on the prosecution case will be adjudicated upon at trial, at the moment consultations and deliberations before lodging the F.I.R. cannot be conclusively ruled out. The applicant submits that he was falsely involved in this case as he had entered a love marriage with one of the girl relatives of the complainant. Keeping this potential fact in mind, as well as the fact that prima facie the F.I.R. appears to be an exaggerated version of what might have happened, malafide on the part of the complainant to throw the net wide cannot conclusively be ruled out. The</p>

For hearing of bail application.

**24<sup>th</sup> December, 2021**

Applicant present in person.

Ms. Amna Ansari, DPG a/w Dr. Nisar Ahmed, Civil Surgeon, Thatta.

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**Omar Sial, J:** Mashooq Ali has sought pre-arrest bail in crime number 80 of 2021 registered under sections 337-F(iii), 337-L(ii), 147, 149, 504 P.P.C. at the Sujawal police station. Earlier, his application seeking bail was dismissed by the learned Additional Sessions Judge, Sujawal on 28-4-2021.

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3. I have heard the applicant in person as well as the learned Deputy Prosecutor General. The complainant did not effect an appearance in spite of notice.

4. The F.I.R. has been lodged after 5 days of the incident without any cogent reason for the delay being given. While the impact of the delay on the prosecution case will be adjudicated upon at trial, at the moment consultations and deliberations before lodging the F.I.R. cannot be conclusively ruled out. The applicant submits that he was falsely involved in this case as he had entered a love marriage with one of the girl relatives of the complainant. Keeping this potential fact in mind, as well as the fact that prima facie the F.I.R. appears to be an exaggerated version of what might have happened, malafide on the part of the complainant to throw the net wide cannot conclusively be ruled out. The

applicant is alleged to have hit the complainant on his wrist. The medical report shows abrasion and swelling of the wrist, which prima facie falls under section 337-L(ii) P.P.C. which is a bailable offence. In any case the punishment of the offences complained of fall within the non-prohibitory clause of section 497 Cr.P.C. Keeping the principles enunciated by the Honorable Supreme Court in the Tariq Bashir and 5 others vs The State (PLD 1995 SC 34), I do not find any extraordinary or exceptional grounds to deny the applicant bail.

5. Above are the reasons for the short order dated 20-12-2021.

JUDGE