

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Appln: No.S-1405,1411 and 1412 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGE(S)

For orders on office objection
For hearing of main case

27.03.2023

Mr. Mehboob Ali Solangi advocate along with applicants in Cr. Bail Application No.S-1405/22.

Mr. Ghulamullah Chang advocate along with applicants in Cr. Bail Applications No.S-1411 and 1412/22.

Mr. Abdul Waheed Bijarani A.P.G. for the State.

MUHAMMAD IQBAL KALHORO,J- Parties are related inter-se and have a dispute over agricultural land. On 18.11.2022 the parties came face to face and caused injuries to each other. As a result counter cases Crime No.86/22 under sections 324, 114, 337-H(ii), 337-A(i), 337-F(ii), 504 and 34, PPC was registered by complainant Muhammad; whereas Crime No.87/22 was registered by complainant Ayatullah under sections 324,147,148,149,114,337-A(i), 337-F(i),337-F(ii) and 504, PPC. In Crime No. 86/22, PWs Naveed, Shoukat, Abid, Nisar and Fayyaz were injured, all the injuries are bailable except injury u/s 337-F(v) PPC punishable for five years inflicted to PW Abid on his left arm finger. In Crime No.86 of 2022 PWs Shafatullah, Ibratullah and Ayatullah received injuries, all are bailable except injury u/s 337-F(vi) PPC on the finger of right arm of PW Ibratullah. In the circumstances, applicability of section 324, PPC requires further inquiry. All the offences, applicants are booked in are bailable otherwise. The injuries which are not bailable are on non-vital parts of the bodies of PWs i.e. fingers. Dispute between the parties is admitted, therefore, malafide and ulterior motives on the part of complainants in registration of FIRs against each other cannot be ruled out.

Crime No.91 of 2022 was registered subsequently on 04.12.2022 reporting an incident, which occurred on 25.11.2022. It is alleged therein that applicants / accused had committed robbery of a motorcycle from complainant Shah Bux and an amount of Rs.3200/- in addition to causing him injuries. During investigation, the I.O. could not find any evidence of robbery against the applicants and has submitted the report under section 173, Cr.P.C only for the offences under sections 147,148, 149, 341, 337-A(i)(ii),337-F(i),337-L(ii) and 504, PPC, which itself makes a case to be one of further inquiry against the applicants. More so, all the offences are bailable except 337-A(ii) which is only punishable for five years. But keeping in view the history of enmity between the parties and dispute over agricultural land, their false implication

by the complainant cannot be ruled out. Apart from above, both the parties present in the Court have given no objection to confirmation of bail of each other, therefore, all the applications are allowed and the ad-interim pre-arrest bail granted to the applicants / accused are hereby confirmed on the same terms and conditions.

These bail applications are disposed of accordingly.

JUDGE