

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No. S- 555 of 2022

*(Jamaluddin alias Jamal & another v. The State)*

**For the Applicants :** Applicants Jamaluddin alias Jamal and Ahmed Nawaz alias Abdul Qadir through Mr. Sufizada Zaheer Muhammad, Advocate.

**For the Complainant:** Mr. Imtiaz Ali Abbasi, Advocate.

**For the State :** Mr. Aftab Ahmed Shar Additional P.G.

**Date(s) of Hearing :** 20-02-2023

**Date of Order :** 20-02-2023

## ORDER

**Zafar Ahmed Rajput, J. -** Through this Crl. Bail Application, applicants Jamaluddin alias Jamal s/o Abdul Razaque and Ahmed Nawaz alias Abdul Qadir s/o Allah Dino seek post-arrest bail in Crime No. 58 of 2022 registered at P.S, Patni under Sections 324, 337F(i) & 34 PPC. Their earlier Bail Application bearing No. 1757 of 2022 for grant of pre-arrest bail was heard and dismissed by learned Additional Sessions Judge-IV (Hudood), Sukkur vide order dated 19.10.2022; thereafter on being arrested, they preferred Crl. Bail Application No.1835 of 2022 for grant of post arrest bail, which was also heard and dismissed by the said Additional Sessions Judge vide order dated 28.10.2022.

2. It is alleged that on 18.09.2022 at 7.00 p.m, accused Ahmed Nawaz alias Abdul Qadir (applicant No.2), along with unknown accused caught hold complainant Gul Nawaz and accused Jamaluddin (applicant No.1) inflicted knife blow on his neck with intention to commit his murder, for which the applicants along with two unknown accused persons were booked in the aforesaid FIR.

3. After hearing learned counsel for the applicants, learned counsel for the complainant as well as learned APG and perusing the material available on record, it appears that the FIR is delayed by 22 days from the date of incident. Even as per record, complainant was issued final Medical Certificate on

06.10.2022 and obtained an order from learned Additional Sessions Judge/Ex-Officio Justice of Peace on 08.10.2022, but he failed to lodge FIR immediately. Present applicants are confined in judicial custody since 19.10.2022. The alleged injury caused to the complainant has been described by the MLO as Ghayr Jaifah Badiah, which is punishable under Section 337F(ii) P.P.C with imprisonment for three years as Tazir, hence alleged offence does not fall within prohibitory clause of Section 497 Cr.P.C. So far application of Section 324 PPC is concerned, had it been intention of the applicants to commit *qatl-i-amd* of the complainant then there would have been multiple attempts to cause him injuries; hence, it is yet to be seen if the applicant Jamalddin in the circumstances had any intention to commit *qatl-i-amd* of the complainant and for that applicant Ahmed Nawaz had facilitated him. Such question could only be determined at trial. As such case of the applicants is covered under sub-section (2) of Section 497 Cr.P.C entitling them for the grant of post-arrest bail.

4. Accordingly, the applicants are admitted to post arrest bail subject to their furnishing solvent surety in the sum of **Rs.50,000/- (Fifty Thousand)** each with P.R bond in the like amount to the satisfaction of the trial Court.

5. Needless to mention here that the observations made herein-above are tentative in nature and would not influence the trial Court while deciding the case of applicants on merits and if the applicants in any manner try to misuse the concession of bail, it would be open for the trial Court to cancel the same after issuing them the requisite notice.

6. The instant Crl. Bail Application stands **allowed** in above terms.

J U D G E

Ahmad