

IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-414 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of main case.
18.05.2023

Syed Ali Akbar Shah, advocate for the applicant along with applicant, who is present on interim pre-arrest bail.

Mr. Imran Ahmed Abbasi, A.P.G. Sindh.

Amjad Ali Sahito, J:- Through instant bail application, the applicant/accused namely, Siraj seeks post-arrest bail in Crime No.23/2023, registered at Police Station Tando Adam Taluka for the offence under sections 337-F (vi), 337-L(ii), 504, 34 PPC. Earlier the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-II, Tando Adam vide order dated 28.04.2023.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant has mainly contended that the applicant/accused is innocent and has falsely been implicated in this case; that the complainant party also attacked upon the present applicant/accused and resultantly he has received two injuries, which were declared by the doctor falling under section 337-L (ii), 337-F (vi) PPC. He has further contended that the applicant/accused is innocent and due to dispute over harap, he has been implicated in this case falsely; that the applicant is no more required for further investigation. He, therefore, prayed that the interim pre-arrest bail already granted to the applicant/accused may be confirmed.

4. On the other hand, learned has vehemently opposed and prayed for dismissal of instant criminal bail application.

5. Heard and perused the record.

6. Admittedly, the name of the applicant/accused appears in the FIR with specific role that he has caused lathi blow on left arm of the injured. The injuries received by the complainant are declared by the doctor falling under section 337-F (ii) PPC. Further, delay in lodgment of the FIR has been properly explained by the complainant.

7. So far the contention of learned counsel for the applicant/accused that applicant also received two injuries at the hands of complainant party, from the perusal of final medical certificate, it appears that at the time of incident, the applicant received two injuries, kind of the injuries is shown as abrasion and contusion. The ocular evidence also supports the medical evidence. In 161 Cr.P.C. statements PWs have supported the version of complainant; therefore, sufficient material is available on record to connect the applicant/accused with the commission of instant offence. There appears no ill will or *mala fide* on the part of complainant to have pointed out by the learned counsel for the applicant/accused, as such, he has failed to make out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. At bail stage, only tentative assessments are to be made. Consequently, instant criminal bail application is **dismissed** and the interim pre-arrest bail earlier granted to the applicant/accused by this Court vide order dated 02.05.2023 is hereby recalled.

JUDGE