

IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-452 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

Mr. Mashooque Ali Bhurgari, advocate for the applicant along with appellant, 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, Sulleman seeks pre-arrest bail in Crime No.19/2023, registered at Police Station Tando Bago for the offence under sections 337-A (i), 337-A (ii), 337-L(ii), 504, 34 PPC. Earlier the bail plea of the applicant/accused was declined by the learned Sessions Judge, Badin vide order dated 25.03.2023.

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 motive setup in the FIR is that previously case was registered by Hoat against the applicant party, therefore, in order to create pressure upon the applicant to withdraw from that case, instant case has been lodged. He further contended that such case has been disposed of; therefore, there is no motive as stated in the FIR. He further contended that two accused have been granted bail by the learned trial Court. The injury attributed to the applicant/accused does not fall within the ambit of prohibitory clause of section 497 (1) Cr.P.C. 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 on the day of incident, he was armed with hatchet and caused hatchet blow to Ghulam Hussain, the brother of complainant on

his head while accused Abdul Rehman and Luqman caused lathi blows to him, resultantly he became injured. As per medical certificate, the injuries declared by the doctor falling under section 337-A (ii) PPC caused on the vital part of the body.

7. So far the contention of learned counsel for the applicant/accused that co-accused have been admitted to bail by the learned trial Court, the role attributed upon them is quite different to the role assigned upon the applicant, as such, rule of consistency would not apply. 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 09.05.2023 is hereby recalled.

JUDGE