

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-517 of 2023

<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
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09.06.2023

Mr. Ghulam Mustafa Burdi advocate for applicant along with applicant on ad-interim pre-arrest bail.

Mr. Shahnawaz Brohi advocate for complainant along with complainant.

Ms. Safa Hisbani, Assistant Prosecutor General

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MUHAMMAD IQBAL KALHORO, J.- Mr. Shahnawaz Brohi advocate has filed power on behalf of complainant which is taken on record.

2. Parties are in dispute over agricultural land. On the day of incident viz. 30.03.2023 when complainant was returning back to his village from Nawabshah on his motorcycle along with PWs Tanveer Ali and Jhando Khan, applicant and co-accused Sajjad and Siraj riding on a motorcycle waylaid them and on account of previous enmity applicant armed with a pistol caused a butt blow on nose of complainant causing him fracture and dislocation of nasal bone. The injury has been opined by Medico Legal Officer as falling u/s 337-A(iv) PPC, which carries punishment up to 10 years.

3. Learned defense counsel submits that complainant received injury by falling from a motorcycle and applicant has been implicated falsely in this case on account of previous enmity.

4. On the other hand, learned counsel for complainant and Assistant PG have opposed bail to the applicant citing specific role.

5. Applicant has been assigned specific role of causing a butt blow on the nose of complainant resulting in fracture and dislocation of nasal bone. This allegation is prima facie supported by the medical evidence in the shape of Medico Legal Certificate. The injury caused by applicant carries punishment up to 10 years and falls within prohibitory clause u/s 497(1) CrPC. No case for

extraordinary relief of pre-arrest bail is made out in such circumstances. The relief of pre-arrest bail is only for a person who has been falsely implicated in the case out of malafide in order to save him from arrest in a non-bailable offence which is otherwise a requirement of law.

6. Accordingly, this application is dismissed and applicant's ad-interim pre-arrest bail granted to him vide order dated 24.05.2023 is hereby recalled.

7. The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

Ali Haider