

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Bail Application No.S-49 of 2023

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DATE	ORDER WITH SIGNATURE OF JUDGE
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27.03.2023

Mr. Abdul Aziz Laghari advocate for applicant along with applicant.

Mr. Abdul Waheed Bijarani, APG along with complainant, DSP Muhammad Arif Bhatti SDPO Chachro Mithi and Inspector Abdul Rehman Rahu SHO Nagar Parkar.

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**MUHAMMAD IQBAL KALHORO, J.-** Applicant is saddled with the role of causing a blunt side hatchet blow to complainant's arm over a dispute of his cattle entering the lands of complainant on 16.11.2022, along with other co-accused causing injuries to witnesses. The matter was reported to the police on the same day viz. 16.11.2022, final medical certificate was issued on 21.12.2022 which led to registration of present FIR on 27.12.2022.

2. The grounds narrated by the defense counsel for seeking pre-arrest bail are that this FIR is a result of malafide on the part of complainant against the applicant who is the nekmard of area and Primary School Teacher; there is a dispute between the parties over the land and medical certificate issued is not upto the mark and generates suspicion.

3. On the other hand learned Assistant Prosecutor General and complainant who is present have opposed bail to the applicant.

4. A perusal of FIR and other papers shows that applicant has been assigned a specific role of causing injury to complainant on his arm opined by Medico Legal Officer as 337-F(vi) which is punishable for seven (07) years. No apparent malafide on the part of complainant is discernable. The role assigned to the applicant is supported by medical certificate, which has not been challenged on any ground. The Matter was reported to the police on the very day promptly which rules out a chance of false implication. Further, it may be stated, grant of pre-arrest bail is extraordinary relief which can be extended to an accused who on the face of the record has

been implicated in the case falsely out of ulterior motive or malafide, whereas in this case no such material is available to show that applicant is a victim of ulterior motive or he has been falsely implicated in this case. This being the position, I do not find any merit in this application, which is accordingly dismissed Resultantly, ad-interim pre-arrest bail earlier granted to the applicant vide order dated 13.1.2023 is hereby recalled.

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

JUDGE

Ali Haider