

**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-207 of 2023

DATE ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.
For hearing of main case.

03.04.2023.

Applicants are present on ad-interim pre-arrest bail.
Mr. Abdul Waheed Bijarani Assistant Prosecutor General.

O R D E R

MUHAMMAD IQBAL KALHORO, J:- Applicants are specifically nominated in FIR for causing Danda blows to brother of the complainant namely Amir on account of dumping of building material in the street by him in front of their house. The incident occurring on 04.02.2023 was witnessed by the complainant and a PW, uncle of the complainant, namely Abdul Hameed. The injured Amir then was referred to hospital for medical treatment. Medico Legal Officer has noted at least five injures on the person of injured including an injury under Section 337-F(vi) PPC, punishable for seven years. Counsel for applicants has chosen to remain absent and applicants themselves have submitted that they are innocent and have been falsely implicated in this case; injured Amir had fallen down from a motorcycle and received injuries, which incident has been manipulated by complainant by registering a false FIR against them. Their arguments have been rebutted by learned Assistant PG who citing specific role of the applicants has prayed for rejection of bail.

I have considered arguments of the parties and perused material available on record. Applicants have been assigned specific role of causing injuries to brother of the complainant who has received as many as five injuries on his person. One of which is punishable for seven years. No malafide on the part of complainant to implicate applicants, who are otherwise his neighbors, in this case is available on record, nor has been alleged by the applicants. The role attributed to the applicants is further supported by medical evidence as well as the statements of witnesses under Section 161 CrPC. Relief of pre-arrest bail is an extra-ordinary relief which is meant to be

extended to accused who has been falsely implicated in a case. The record in the present case does not show that applicants have been falsely implicated. In view of the above there is prima facie evidence against them. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to them vide order dated 03.03.2023 is hereby recalled.

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

JUDGE

Irfan Ali