

ORDER SHEET  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Cr. Bail App. No. S – 660 of 2023**

Date of hearing	Order with signature of Judge
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**For hearing of bail application**

1. For orders on office objection at Flag-A
2. For hearing of bail application

**17.11.2023**

Mr. Rukhsar Ahmed M. Junejo, Advocate has filed power on behalf of applicant, who is present in Court.

Mr. Abdul Majeed Mirbahar, Advocate for complainant.

Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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**Muhammad Iqbal Kalhoro, J. –** Complainant has alleged enmity in FIR against applicant as a motive of alleged offence, in which the latter allegedly caused a *lathi* blow to former's son Awais Ahmed on his left arm causing him a fracture. The matter was initially reported through NC, but without anyone named. Subsequently, after two days, the complainant named applicant in FIR.

2. Applicant initially was granted pre-arrest bail, but subsequently, after evidence of Medico Legal Officer, when it transpired that injury falls within Section 337-F(v) PPC and not U/S 337-F(iii) PPC, he filed a fresh application, which has been dismissed through impugned order.

3. The enmity between the parties is admitted in FIR, and except a single blow, no further allegation has been leveled against the applicant. Applicant is stated to be a Primary School Teacher, and there is no criminal record against him. The offence also does not fall within prohibitory clause U/S 497(i) CrPC either.

4. Although learned Counsel for complainant has opposed bail, but learned Additional Prosecutor General submits that the case requires further enquiry, as there is delay of two (02) days in FIR. Further, the case has already been challaned, and applicant is no more required for further investigation.

5. Accordingly, therefore, this application is **allowed** on above ground, and ad-interim pre-arrest bail already granted to applicant vide order dated 26.09.2023 is hereby **confirmed** on the same terms and conditions.

6. The observations, as above, are tentative in nature and not meant to affect merits of the case before the trial Court.

The bail application stands **disposed of** in the above terms.

Abdul Basit

J U D G E