

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Crl. Bail Application No.S-556 of 2023

Date of hearing	Order with signature of Judge.
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For hearing of Bail Application.

M/s Syed Amjad Ali Shah and Nizamuddin Chandio, Advocates along with applicant.

Mr. Allah Warrayo Soomro, Advocate for the complainant.

Mr. Aftab Ahmed Shar, Additional P.G for the State.

Date of Hearing & Order: **29-01-2024**

ORDER

MUHAMMAD IQBAL KALHORO, J.- Applicant is a real nephew of complainant and on account of a dispute over agricultural land, on 21.03.2023, he trespassed on his house and fired at him hitting his hip. The injury opined in medico-legal certificate is 337F(iii) PPC, punishable for three years. Learned counsel for applicant has pleaded for bail on the ground of delay in registration of FIR and the fact that medico-legal certificate has been challenged before the Medical Board, where complainant did not appear, and hence the same has been suspended vide letter dated 04.01.2024.

2. Learned counsel for complainant has opposed bail by stating that section 459 PPC has been added in the Challan, which carries punishment of life imprisonment. He has relied upon cases reported as *Ahtisham Ali v. The State (2023 SCMR 975)* and *Asfaque Ahmed v. The state (2023 PCrLJ Note 86)*.

3. Learned Additional P.G, however, has not opposed bail on the ground that there is delay of almost three months in registration of FIR.

4. I have considered submissions of parties, perused the record and the case relied at bar. The delay of almost three months in

registration of FIR has not been reasonably explained by the complaint *prima facie* and the medical certificate confirming injury has been suspended for the time being by the Medical Board for want of appearance of the injured. Hence, a case of further enquiry has been made out. More so, as the injury is punishable for only three years, applicability of sections 324 & 459 PPC in view of the close relation between the parties and only one shot received by complainant require further enquiry.

5. Accordingly, in view of the above facts and grounds, this bail application is **allowed** and the interim pre-arrest bail earlier granted to the applicant by this Court is hereby confirmed on the same terms and conditions. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

Ahmad