

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S – 351 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGE

Hearing of bail application

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

25.08.2023

Mr. Imtiaz Ali, Advocate, holding brief for Mr. Ali Dad Narejo, Advocate for the Applicants

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General for the State

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ORDER
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MUHAMMAD IQBAL KALHORO, J.- Complainant has alleged in FIR that on account of exchanging of hot words a day before the incident viz. 20.04.2022, when he along with his PWs went to Otaq of nekmard, namely, Lal Bux, the applicants along with co-accused arrived there at about 1930 hours and attacked complainant party injuring with dagger / knife brother of complainant Javed Ali, his nephew Atta Muhammad and maternal-cousin Naseem Ali, and only the complainant was spared. The they left otaq and went away, hence, he appeared at police station on 21.04.2022 and registered FIR.

2. Applicants' counsel has chosen to remain absent and the case diaries show that almost on all dates he has not appeared.

3. I have heard the applicants in person and Mr. Imtiaz Ali, Advocate, holding brief on behalf of Mr. Ali Dad Narejo, Advocate for the applicants and learned Deputy PG for the State, who submits that the applicants have been assigned specific role of either holding injured or causing dagger blows to them on their vital parts and the injuries have been declared as falling under Section 337-D, PPC, which is punishable for 10 years.

4. On the other hand, applicants submit that they are innocent and compromise has been made with the complainant; however, there is no

application on record showing compromise between complainant and the applicants, who have been assigned specific role of causing critical injuries to three persons on their vital organs. The injuries are supported by the medical certificates and 161 Cr.P.C statements of the witnesses. There appears to be no *mala fide* on the part of complainant to implicate them falsely in this case, which is punishable for 10 years. Applicants are not entitled to the extraordinary concession of pre-arrest bail, which is meant to save innocent persons from arrest in non-bailable offences, in which they have been apparently falsely implicated. Therefore, **this bail application is dismissed** and the interim pre-arrest bail already granted to the applicants vide order dated 22.07.2022, is hereby recalled.

The observations made therein above are tentative in nature and will prejudice the case of either party at trial.

Judge

ARBROHI