

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 55 of 2023

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

For hearing of bail application

18.09.2023

Mr. Nadeem Ahmed Malik, Advocate holding brief for Mr. Nisar Ahmed Kanasiro, Advocate for applicants along with applicants.

Mr. Shafique Ahmed Laghari, Advocate for complainant.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

.-.-.-.-.-.-.-.-.-.-

Muhammad Iqbal Kalhoro, J. – On account of construction of *Astana* (sitting arrangement) at the tomb of Roohal Faqir, a quarrel took place between applicants and complainant party. Applicants, armed with weapons, caused butt blows and *lathi* blows, injuring complainant, PWs Fayaz Muhammad and Ayaz Muhammad on 16.12.2022 at about 03:00 p.m. However, medical certificate of only Fayaz Muhammad is available on record, which shows that he had received an injury on his ring finger of right hand opined as 337-F(v) PPC, the other as 337-F(i) (*bailable*) and third injury as Nil, whereas, the medical certificates of complainant and PW Ayaz Muhammad, although stated to be injured, are not available.

2. Learned Counsel for the complainant has opposed the bail, but learned DPG has stated that during investigation the case was disposed of in 'C' class for want of sufficient evidence. There is delay of 21 days in registration of FIR. Hence, he has no objection.

3. Applicants' Counsel is called absent. I have heard them in person. They have pleaded for confirmation of bail.

4. In view of the fact that there is delay of 21 days in registration of the FIR, and in investigation, Investigating Officer failed to find out sufficient evidence against the applicants, this application is **allowed**. Accordingly, ad-interim pre-arrest bail already granted to applicants, vide order dated 23.01.2023, is hereby **confirmed** on same terms and conditions.

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

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

Abdul Basit

J U D G E