

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

**Cr. Bail Application No.S-761 of 2023
[Javed versus The State]**

Date	Order with signature of Judge
Applicant :	Through Mr. Abdul Jabbar Charan advocate
Complainant:	Through Mr. Zainuddin Baloch advocate
State :	Through Ms. Sana Memon Assistant P.G Sindh
Date of hearing:	16.10.2023
Date of decision:	16.10.2023

ORDER

MUHAMMAD KARIM KHAN AGHA J.- Applicant Javed has been booked in Crime No.132 of 2023 registered at P.S Husri/Pubban for offences under Sections 324, 506, 504 and 34 PPC. He had applied for pre-arrest bail before the concerned trial Court, however, same was declined vide Order dated 06.07.2023, hence he has approached this Court for pre-arrest bail.

2. Facts of the FIR find sufficient mention in memo of bail application as well as impugned Order, as such there is no need to reproduce the same for the sake of brevity. However, the allegation against the applicant is that on 29.06.2023 at 1730 hours he alongwith co-accused namely Ali Bux, Bilawal and Hashim, all armed with hatchet, gathered at the house of Complainant with intention to kill him and the accused Hashim caused hatchet blow at the right ear of PW Ghulam Qadir while the present applicant caused hatchet blow to said Ghulam Qadir at his shoulder.

3. I have heard the learned counsels for the parties as well as learned A.P.G and have also considered the record.

4. The main argument of applicant's counsel is that this is a case of counterblast, as the applicant's father was murdered, in respect of which FIR bearing No.188 of 2022 was lodged at P.S Husri/Pubban and the Complainant party is nominated as accused in that FIR hence they have filed present FIR in order to take revenge. I find that FIR bearing No.188 of 2022, which was lodged in the year 2022, is not a counterblast of present FIR which has been lodged on 02.07.2023. Had the Complainant in this case wanted to lodge an FIR by way of counter blast, he would have done so much earlier. The applicant is named in

present FIR which has been lodged promptly and he has been given specific role. There are four eye witnesses of the incident and the medical evidence supports the narration given in the FIR in respect of present applicant Javed. Furthermore the offences, for which applicant has been challaned, fall within the prohibitory clause.

5. In view of above I find that the applicant has not made his case for pre-arrest bail. Accordingly, pre-arrest bail granted to the applicant vide Order dated 21.07.2023 is hereby recalled. However, since there are only four witnesses, as such concerned trial Court is directed to conclude the trial within four months from the date of receipt of copy of this Order. A copy of this Order shall be sent to trial Court/ IIIrd Additional Sessions Judge Hyderabad for compliance.

6. Needless to mention here that observations made hereinabove are tentative in nature and will not prejudice the case of either party at trial.

7. Captioned bail application stands disposed of accordingly.

JUDGE

Sajjad Ali Jessar