

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
**Criminal Bail Application No. 1379 of 2023**

**Applicant** : Allah Bux Shoukat s/o Shoukat Ali Mughal,  
through Mr. G. Ali @ Ali Jan Qureshi  
Advocate

**Respondent** : The State, through Mr. Siraj Ahmed Bijarani,  
APG, along with Dr. Sultan Rajper, Asstt.  
Professor & Focal Person, on behalf of  
Chairman Special Medical Board, PUMHSW

**Date of hearing** : 07.06.2024  
**Date of order** : 07.06.2024

**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Applicant/accused Allah Bux Shoukat s/o Shoukat Ali Mughal being abortive to get the concession of pre-arrest bail in Anticipatory Bail Application No. 2440 of 2023 from the Court of 2<sup>nd</sup> Addl. Sessions Judge Shaheed Benazirabad, vide order dated 12.12.2023, through this application seeks the same concession from this Court in Crime/FIR No. 279 of 2023, registered under sections 506, 504, 337-A (ii) 337-L (ii), P.P.C. at Police Station B- Section, Nawabshah. Applicant was admitted to interim pre-arrest bail by this Court vide order dated 20.12.2023, now the matter is fixed for confirmation of interim bail or otherwise.

2. It is alleged that on 19.10.2023 at 06:00 p.m., the applicant, co-accused Anas and Mst. Tahira Bano (*the husband, brother-in-law and mother-in-law, respectively, of complainant Mst. Hina*) abused and assaulted on complainant, her father Naeemuddin Malik and her mother Mst. Akbari Begum. The applicant caused lathi blow to Mst Akbari Begum, who received injury on her left arm. He also grabbed the complainant by hairs, who was on advanced stage of pregnancy, and dragged her to the floor. She was taken to PMCH, Nawabshah, where she gave birth to a baby girl. After treatment, on 21.10.2023, the complainant filed Cr. Misc Application No. 3409 of 2023, under

section 22-A (6) (1), Cr. P.C., seeking directions to S.H.O. concerned to lodge the F.I.R., which was allowed by the Court of Addl. Sessions Judge-V/ Ex. Officio Justice of Peace, Shaheed Benazirabad vide order dated 27.10.2023. It is thereafter the instant F.I.R. was lodged. After investigation, police submitted charge sheet by deleting section 337-A (ii), P.P.C. and adding section 337-F(i) and 337-F (i), P.P.C. on the basis of final Medico-Legal Certificates (MLC)

3. After hearing the learned counsel for the applicant as well as learned APG and perusing the material available on record, it appears that the offences under sections 506, 504, 337-F (i) and 337-L (ii), P.P.C are bailable under the schedule of offences. Co-accused Anas and Mst. Tahira Bano have been admitted to pre-arrest bail by the Court of 2<sup>nd</sup> Addl. Sessions Judge Shaheed Benazirabad, vide order dated 12.12.2023. The applicant has been assigned a role of causing lathi blow on the left arm of Mst. Akbari Begum, resulting in fracture with displacement involving left distal radial. The WMLO has opined the alleged injury as *Ghayr-jaiifah Munaqqillah*, which is punishable under section 337-F(vi), P.P.C. with imprisonment up to seven years as *Tazir*; hence, the alleged offence does not fall within the prohibitory clause of Section 497, Cr. P.C. Ordinarily, in such cases, the bail is to be granted as a rule. The present case does not fall within the exception laid down by the Apex Court in the case of *Tariq Bashir vs. The State (PLD 1995 SC 34)*. Both the parties are relatives *inter se*. Matrimony between the applicant and the complainant is still intact. The injured lady is the mother-in-law of the applicant. There is likelihood that a good sense may prevail between the parties in future.

4. For the foregoing facts and reasons, the interim bail granted to the applicant, vide order dated 20.12.2023, is confirmed on the same terms and conditions.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law

Cr. Bail Application stands disposed of.

JUDGE