

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 929 of 2023

Date of hearing

Order with signature of Judge

Hearing of bail application

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

12.02.2024

Applicant is present in person.

Complainant, despite being served, has chosen to remain absent.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – On account of a dispute between children, allegedly applicant along with his family members, attacked complainant party and injured Mst. Farhana, sister of complainant, his sister-in-law Anwar Khatoon and niece Amna on 12.11.2023 in a common street of Gharibabad Colony situated in Kumb Town. Applicant is said to have caused an iron rod blow on right arm of Mst. Farhana, causing fracture, opined by Doctor as an injury U/S 337-F(v). Whereas, injuries sustained by other victims have been opined as simple and bailable.

2. Applicant's Counsel is absent; however, I have heard applicant, who submits that he has been falsely implicated in this case on account of dispute over a common street.

3. Learned Deputy Prosecutor General has not opposed bail to the applicant. I have considered arguments and perused material available on record. There is delay of two (02) days in registration of FIR. Injury attributed to applicant is on non-vital part of body of the victim, which is punishable only for five (05) years and does not fall within prohibitory clause of Section 497(i) CrPC. The reference to enmity is also made in FIR, which means that false implication of the applicant cannot be ruled out.

4. Accordingly, this application is **allowed**, and ad-interim pre-arrest bail already granted to applicant vide order dated 29.12.2023 is hereby **confirmed** on the same terms and conditions.

5. The observations, as above, are tentative in nature and not meant to affect merits of the case before the trial Court.

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

J U D G E

Abdul Basit