

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

Cr. Bail Application No.S-1013 of 2023
[Meer Muhammad Panhwar vs. The State]

DATE	ORDER WITH SIGNATURE OF JUDGE
Applicant	: Through Mr. Tarique Ali Narai advocate
Complainant	: Through Mr. Ghulamullah Chang advocate
The State	: Through Mr. Nazar Muhammad Memon Additional Prosecutor General Sindh
Date of hearing	: 16.02.2024
Date of Decision	: 16.02.2024

ORDER

KAUSAR SULTANA HUSSAIN J:- Applicant Meer Muhammad Panhwar seeks pre-arrest bail in Crime No.56 of 2023 registered at P.S G.O.R Hyderabad under Sections 337-A(i), 337-A(iii) and 504 PPC. He had applied for pre-arrest bail before the learned trial Court, however same was declined vide Order dated 07.9.2023. The allegation against the applicant, as per FIR, is that on 03.07.2023 he has caused injuries to complainant Mumtaz Ali and PW Abdul Samad.

2. The applicant/accused has been alleged to have caused iron rod injury at the head of complainant, which has been opined by the Medico Legal Officer as *Shajjah-i-hashimah*, falling under Section 337-A(iii) PPC, punishable upto 10 years. Applicant/accused has also been alleged to have caused injury at the finger of PW Abdul Samad and the same, as per opinion of Medico Legal Officer, is *Shajjah-i-Khafifah* and falls within the ambit of Section 337-A(i), punishable upto two years.

3. Learned counsel for the applicant has pleaded for confirmation of bail to the applicant on the ground that there is delay in registration of FIR and that there is no direct evidence against the applicant/accused.

4 On the contrary learned counsel for the Complainant as well as learned Additional P.G have opposed the confirmation of bail to the applicant on the ground that delay has specifically been explained, as the complainant approached the learned Ex-Officio Justice of Peace of registration of subject FIR and that applicant is nominated in FIR with specific role.

5. I have considered submissions of learned counsel for the parties. Applicant is alleged to have caused iron rod injuries to complainant Mumtaz Ali and PW Abdul Samad. Though the injury allegedly caused by the applicant to PW Abdul Samad is punishable upto two years and the same is bailable, however, the injury allegedly caused by him to complainant Mumtaz Ali carries punishment upto 10 years and as such same is non-bailable. The applicant has been assigned a specific role, which is supported by the medical evidence. No malafide on the part of complainant and/or the police is available to entitle him for extraordinary relief of pre-arrest bail, which is meant for to protect an innocent person, falsely implicated in the case.

6. In view of above, ad-interim pre-arrest bail granted to applicant vide order dated 13.09.2023 is hereby recalled and the instant bail application stands dismissed accordingly.

7. The observations made hereinabove are tentative in nature and the learned trial Court shall not be influenced by this order in any manner whatsoever, while deciding the case on merits.

Instant bail application is disposed of in the terms as stated above.

JUDGE