

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Criminal Bail Application No.S-1109 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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| | 1. For orders on office objections. |
| | 2. For hearing of main case. |

01.02.2024

Applicants are present on interim pre-arrest bail.
Mr. Nihal Khan Lashari, Advocate for applicants.
Mr. Yaseen Laghari, Advocate for complainant.
Ms. Rameshan Oad, Assistant Prosecutor General, Sindh
along-with Dr. Waqar Mehmood Memon Director General,
Health Services Sindh Hyderabad, Dr. Aftab Haider Deeshak,
Assistant Director DGHSS Hyderabad and Dr. Ali Raza Mirjat.

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Pursuant to the Court directions, Dr. Waqar Mehmood Memon Director General, Health Services Sindh Hyderabad has appeared and filed statement along-with certain documents which are taken on the record. He submits that after receiving the orders, he has constituted a Committee and again sent certificate to the same Doctors for correction as Radiologist report is not supporting certificate issued by the doctor dated **27.09.2023**. He further submits that thereafter the Board has changed their opinion and they have stated that *“nature of injury given by Doctor Ali Raza Mirjat Medical Officer Civil Hospital Tando Allahyar is correct and manner of injury suggested fabricated by Special Medical Board.”* From the perusal of the record it reflects that complainant has lodged FIR and in that FIR he has stated that accused Muhammad Siddique has fired from his gun which was hit his brother at his right leg calf and after receiving the injury the injured was shifted to Hospital and as per medico-legal certificate the injury was declared by doctor Ali Raza as entry wound 3 x 3 cm wound at right leg black joint. The last I.O present in the Court and stated that as per his information the two plastic pellets were recovered from the wound. He further submits that he has also perused memo of place of incident and seen that two red and one white empty cartridges were recovered but nowhere it is mentioned name of the company. It is strange to note that doctors have declared that injury 3 x 3 cm whereas the complainant has stated that the pellets hit to the calf on right leg but on the basis of that certificate

the medico-legal board has issued two certificates. In one the medical board has disclosed that the injured Farhan son of Hussain Bux by caste Laghari's certificate issued by Dr. Ali Raza Mirjat Civil Hospital Tando Allahyar wherein fabrication of injury cannot be ruled out and case may be decided on circumstantial evidence whereas in the last medical board that nature of injury given by Dr. Ali Raza is correct in manner and manner of injury suggestive by Special Medical Board. Let Dr. Mukhtiar Hussain Jafferri Prof: of Medicine LUM&HS, Dr. Shahida Khatoon Prof: of Surgery LUM&HS, Dr. Zaffar Shaikh Asstt: Prof: of Radiology LUM&HS, Dr. Waheed Ali Nahiyoon Prof: of Forensic Medicine LUM&HS, Dr. Zamir Hussain Tunio Assoc: of Orthop: Surgery LUM&HS, Medical Superintendent / Civil Surgeon, Services Hospital Hyderabad and Prof: Muhammad Khalid Shaikh Prof: of Medicine LUM&HS shall be in attendance with further direction to Secretary Health to probe in to matter and submit his report on next date of hearing. He shall be in attendance on next date of hearing. All the above doctor shall be in attendance on next date of hearing. At this juncture, learned counsel for the applicants submits the same complainant has lodged another FIR being Crime No.48 of 2023 of police station Chamber wherein the complainant has disclosed that injured has received gun injury and as per medical certificate the kind of weapon used was sharp cutting. The Director General Health Hyderabad present in Court is directed to examine also this medico-legal certificate and submits such compliance report before this Court on next date of hearing. It is made clear that if any of the doctors called absent on the given date the appropriate action shall be taken against them. The Director General, Health present in Court is directed to communicate date to all above mentioned doctors and ensure their presence on the next date of hearing. The notice shall be served through concerned SSP to all above named Doctors. Last I.O of this case also suggested that previously I.O of the case namely Inspector Shahjahan Lashari, ASI Yar Muhammad and 3rd I.O who conducted investigation in the matter may be called. Office to issue notice to Inspector Shahjahan Lashari, ASI Yar Muhammad and 3rd I.O of the for the next date hearing.

To come-up on **12.02.2024.**

JUDGE

Muhammad Danish