

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 46 of 2024

Date of hearing	Order with signature of Judge
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Hearing of bail application

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

15.03.2024

M/s Qurban Ali Malano, Israr Ahmed Shah and Syed Naimat Ali Shah, Advocates along with applicant.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – Complainant in FIR has alleged that he is running a booking office for bus stop where vehicles stop for pick and drop purpose. Applicant and others used to demand extortion from him, and on 02.02.2023, when he and his brother were available in the booking office / bus stop, applicant along with eight (08) accused named in FIR entered the office and started abusing them. Applicant, armed with an iron rod, caused its blow to his brother Safdar, causing an injury on his nose opined by Medico Legal Officer as Shajjah-I-hashimah U/S 337-A(iii) PPC, which is punishable for ten years.

2. I have heard the parties. It is stated in defense that there is delay of more than ten (10) months in registration of FIR, which is based on the order of the Additional Sessions Judge, Gambat, where complainant had filed and application U/S 22-A & B CrPC, but in the application, no role has been assigned by him to the applicant and the story narrated therein is quite different than the one he has revealed in the FIR; hence, case of further enquiry is made out.

3. Learned Additional Prosecutor General has conceded and further submits that even the final medical certificate was issued after a considerable delay.

4. Accordingly, in view of above facts and circumstances, case of further enquiry is made out. False implication of the applicant due to delay in FIR cannot be ruled out. Therefore, this application is **allowed**, and ad-interim pre-arrest bail already granted to applicant vide order dated 19.01.2024 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