

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.**

Criminal Bail Application No.S-1313 of 2024

Applicant : Abdul Qayoom through Mr. Mumtaz Sachal Awan,
Advocate.

Respondent : The State through Ms. Rameshan Oad, Assistant
Prosecutor General Sindh.

Complainant : None present.

Date of hearing : 19.12.2024.

Date of Order : 19.12.2024.

ORDER.

Amjad Ali Sahito, J:- Through instant bail application, the applicant/accused namely, Abdul Qayoom seeks pre-arrest bail in Crime No.27/2024, registered at Police Station Ali Abad District Shaheed Benazirabad for the offence under sections 324, 506/2, 114, 504, 337-F (iii), 337-L (ii), 147, 148 PPC. Earlier the bail plea of the applicant/accused was declined by the learned Additional Sessions Judge-II, Shaheed Benazirabad vide order dated 28.11.2024.

2. The details of the FIR are included in the bail application and its attached copy, so there is no need to restate them here.

3. Learned counsel for the applicant/accused contends that the applicant/accused is innocent and has falsely been implicated in this case with *mala fide* and ulterior motives due to admitted enmity over the ownership of shop; that FIR is delayed for about two months and no plausible explanation has been furnished by the complainant; that the applicant is a responsible person but he has been falsely implicated by the complainant after due deliberation and consultation; that the injury with which the applicant is charged does not fall within the ambit of prohibitory clause of section 497 (1) Cr.P.C. whereas, section 324 PPC is not applicable in this case; however, it will be decided by the learned trial Court after recording evidence of the parties.

4. On the other hand, learned A.P.G. Sindh opposes the bail application; however, she admits that there is delay of about two months in lodgment of FIR.

5. Heard and perused.

6. There seems to be a clear and admitted animosity between the parties regarding the ownership of a shop, which is evident from the contents

of FIR. It is generally expected that when any person suffers an injury, he would lodge the FIR without undue delay but the FIR has been lodged with a delay of approximately two months, yet no convincing explanation for this delay has been furnished. Moreover, the offense, in respect of injury allegedly sustained by the injured, with which the applicant is being charged, does not fall under the scope of Section 497(1) Cr.P.C. As for Section 324 PPC is concerned, its applicability is yet to be determined by the learned trial court, after recording evidence of the parties. Grant of bail is a rule while refusal is an exception.

7. In view of the above facts and circumstances, learned counsel for the applicant/accused has succeeded to make out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. Consequently, instant criminal bail application is **allowed** and the interim pre-arrest bail granted earlier vide order dated 06.12.2024 is hereby confirmed.

JUDGE

Abdullah Channa/PS