

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

Cr. Bail Application No.S-267 of 2023

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

17.04.2023.

Applicants are present on interim pre-arrest bail.

Mr. Shahzad Ahmed Narejo, Advocate for applicants.

Ms. Sana Memon, Asst. Prosecutor General, Sindh.

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**MUHAMMAD IQBAL KALHORO J:-** On the day of incident viz. 15.12.2022 at about 4:00 pm when brother of complainant, Imdad Hussain along with his son Ali Raza and Jan Muhammad was present outside of his house, applicants along with other co-accused armed with iron rods and dandas/clubs arrived there and started beating them injuring all of them. PWs Ali Raza and Jan Muhammad received minor injuries however, brother of the complainant Imdad was repeatedly hit on his leg causing him fracture and displacement of bone, an injury opined by the Medico Legal Officer as 337-A(vi).

Learned counsel for the applicants in defense has argued that the applicants have been falsely implicated in this case. The injured had received injuries at some other place but has falsely implicated the applicants in this case out of enmity. The medical certificate has been manipulated and there is no independent witness. Learned Asst. Prosecutor General, Sindh has opposed bail on the ground that applicants have been assigned specific roll of causing injuries to the complainant party. The complainant along with injured Imdad are present. The injured is present on a wheel chair. He submits that he is not able to walk still after five months of the incident and has undergone several surgeries in this regard.

Be that as it may, applicants are nominated in F.I.R with specific roll of causing injuries to the victims and out of such injures the injury sustained by the injured Imdad is a severe one causing fracture and displacement of bone of his leg. Such allegations are supported by the medico legal certificate as well as the statements of

witnesses under Section 161 Cr.P.C. In presence of such *prima facie* evidence, no case for concession of extra ordinary relief of pre-arrest bail is made out, which is extended only to an innocent person to save them from arrest, otherwise a requirement in non bailable offence, in the case filed by the complainant or police out of malafide or ulterior motives which is not the case here as stated above. No case for pre-arrest bail is made out. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to applicants vide order dated 29.03.2023 is hereby recalled.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

**JUDGE**

***\*Hafiz Fahad\****