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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Criminal Bail Application No. S-358 of 2018

DATE OF HEARING	ORDER WITH SIGNATURE OF HONOURABLE JUDGE
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Mr. Rafiq Ahmed K. Abro, advocate for applicant.
Mr. Riaz Hussain Khoso, advocate for the complaint
Mr. Sharafuddin Kaanhar, Addl. P.G., for the State.

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Date of Hearing & Order: 03-09-2018

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ORDER

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Zafar Ahmed Rajput, J:- After rejection of his earlier application for grant of pre-arrest bail bearing No. 11 of 2018 by the learned IInd Additional Sessions Judge, Jacobabad vide order dated 13.03.2018, applicant/accused Hafiz Abdul Raheem s/o. Habibullah through instant criminal bail application has sought pre-arrest bail in Crime No. 152 of 2017, registered at P.S A- Section, Thul, under Section 337-A(i), 337-F(i), 504, 506(2), 147 and 148, P.P.C. He was admitted to interim pre-arrest bail by this Court vide order dated 11.07.2018, now he seeks confirmation of interim bail.

2. As per F.I.R., the allegation against the applicant is that, on 21.12.2017 at 14:45 hours, he caused lathi blow on occipital region (back side of the head) of Anees Ahmed, the cousin of the complainant, thus committed an offence of Shajjah-i-Khafifah, punishable under Section 337-A (i), P.P.C. while co-accused allegedly caused lathies blows to said Anees Ahmed and Abdul Raheem, the relative of the complainant.

3. The learned counsel for the applicant has submitted that the applicant is innocent and has falsely been implicated in this case by the complainant; that both the parties have money dispute; that alleged offence under Section 337-A (i) P.P.C. is bailable; that though one injury has been declared by the MLO as Shajjah-i-Hashimah falling under section 337-A(iii), P.P.C., but the said injury

has not been attributed to present accused in the F.I.R; that the co-accused Abdul Basit has already been admitted to pre-arrest bail by the Court of IInd Additional Sessions Judge, Jacobabad; therefore, the applicant/ accused is entitled for the concession of the bail.

4. On the other hand, learned counsel for the complainant as well as A.P.G. have opposed this application on the ground that all the accused persons, including present applicant, are nominated in the F.I.R. with specific role and they have caused injuries to cousin and relative of the complainant and they are facing charge under section 337-A (iii) P.P.C. which are non-bailable.

5. I have considered the arguments advanced by the learned counsel for the parties and also perused the material available on record.

6. It appears that applicant and injured Anees Ahmed are having dispute over money matter. As per medico-legal report, the injury allegedly caused by the present applicant to Anees Ahmed is Shajjah-i-Khafifah, which is being punishable under Section 337-A (i), P.P.C. for imprisonment for two years is bailable. The applicant was admitted to interim pre-arrest bail on 11.07.2018 and since then he is attending the trial Court regularly and no complaint with regard to misusing the concession of ad-interim bail has been made by the complainant. Hence, the interim bail granted to the applicant vide order dated 11.07.2018 is hereby confirmed on same terms and conditions.

7. Needless to mention here that the observations made herein-above are tentative in nature and would not influence the trial Court while deciding the case of applicant on merits and if the applicant in any manner tries to misuse the concession of bail, it would be open for the trial Court to cancel his bail after issuing him the requisite notice.


JUDGE