

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

Criminal Bail Application No.S-1091 of 2021.

| <b>DATE</b> | <b>ORDER WITH SIGNATURE OF JUDGE</b> |
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For orders on office objections.

For hearing of main case.

20.12.2021.

Mr. Badal Gahoti advocate for the applicants.

Applicants are present on ad-interim pre-arrest bail.

Complainant is present in person.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Complainant in FIR registered has nominated 11 accused to have come to her house in village Bakhar Jamali District Matiari duly armed with hatchets and lathies on 06.11.2021 and on account of old dispute on a plot caused injuries to three persons namely Ilamzadi who has sustained one injury u/s 337-A(i) PPC, which is bailable, Noor Bano who has sustained an injury u/s 337-A(i) PPC which is also bailable and Dur Naz who has however received four injuries, all are bailable except 337-F(vi) PPC which is punishable for seven years and is attributed to applicant Manjhi caused by him with blunt side of hatchet on her hand.

Learned counsel for the applicants has argued that the applicants are innocent and have falsely been implicated in this case; there is delay of 29 days in registration of FIR; parties are closely related inter se and are at dispute as admitted in the FIR; Medico-Legal Officer in final medical certificate has opined the fracture on the person of Dur Naz is old one; complainant's maternal nephew in respect of same incident tried to get another FIR registered against the applicants by moving an application under Section 22-A/B Cr.P.C. before learned Additional Sessions Judge/ Justice of Peace, Hala which has been dismissed vide order dated 14.12.2021 and recommendation to initiate proceedings against him under Sections 181 PPC has been made by said learned Judge. He has relied upon case law reported as PLD 2017 SC 730 to support his case.

On the other hand complainant is present and submits that the applicants are real culprits and have caused injuries to her family members. Learned APG has not opposed bail to applicants Abdul Wahab, Nooral and Himath as the injuries attributed to them are minor and bailable however, has opposed bail to applicant Manjhi on the ground that injury attributed to him is non-bailable.

I have considered submissions of parties and perused the material available on record including case law. There is delay of 29 days in registration of FIR. When complainant appeared at police station first time on 05.10.2021 and reported the matter vide entry No.18, she did not nominate applicant Manjhi to be responsible for causing said injury to injured Dur Naz. Therefore, this fact requires further inquiry particularly when the parties are already at odds with each other and on same medical certificate maternal nephew of complainant tried to get another FIR registered against the applicants and has ended up in trouble in the shape of proceedings u/s 181 PPC against him. More so, investigation has been completed and Challan has been submitted in the trial Court. All these factors coupled with the ratio laid down by honorable Supreme Court of Pakistan in the case (supra), I am of the view that applicants are entitled to concession of bail. Accordingly this bail application is allowed and ad-interim pre-arrest bail granted to the applicants vide order 30.11.2021 is hereby confirmed on the same terms and conditions.

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

**JUDGE**

Irfan Ali