

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-102 of 2025

Applicant: Muhammad Hassan son of Bhooro,
Through Mr. Shoukat Ali Rahimoon, Advocate.

Respondent: The State.
Through Mr. Dhani Bakhsh Mari, Assistant P.G.

Complainant: Muhammad Ramzan son of Haji,
Through Mr. Afzal Karim Virk, Advocate.

Date of hearing: 07.08.2025

Date of order: 07.08.2025

O R D E R

Amjad Ali Sahito, J: Through this Bail Application, the applicant/accused seeks post-arrest bail in FIR No.68/2023 for offence under Sections 302, 147, 148, 149, 337-F(iii) and 114 P.P.C registered at PS Chachro, after rejection of his bail plea by the learned trial court vide order dated 27.03.2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Per learned counsel, the applicant/accused is innocent and the complainant has falsely implicated the applicant in this case. The F.I.R is delayed for about 05 days, and no plausible explanation has been furnished by the complainant. As per the Final Medical Certificate, the injuries declared by the Doctor fall under Section 337-F(iii) P.P.C, which is punishable up to 03 years and does not fall within the prohibitory clause of Section 497 Cr.P.C. He further submits that co-accused Bhooro has caused injuries to deceased Haji, who has already been granted bail by this Court vide order dated 02.10.2024, and the applicant is entitled to grant of bail on the rule of consistency. He further submits that co-accused Qurban caused injuries to PW Abdul Sattar, who sustained only one injury, and the Medical Certificate shows that it was caused with a hard blunt substance; however, the complainant has shown that the injury was caused with a hatchet. The applicant is in jail and no more required for further

investigation. Lastly, he prayed for grant of bail to the applicant/accused.

4. Learned counsel for the complainant and learned D.P.G have vehemently opposed for grant of bail to the applicant/accused. Counsel for the complainant submits that the injury to PW Abdul Sattar was verified in the medical certificate, and the hatchet was also recovered on the pointation of the applicant/accused. The same was sent to the laboratory, and the laboratory report also shows that human blood was found on the hatchet. The role of co-accused Bhoro is distinguishable from that of the present applicant/accused, as accused Bhoro was charged with the allegation of causing hatchet blow over the back of the deceased, but the post-mortem report does not show the injury attributed to co-accused Bhoro, while the injury caused by the present accused is supported by the medical certificate of Abdul Sattar.

5. Heard and perused.

6. From perusal of record, it reflects that the name of the applicant is appearing in the F.I.R, but he has not caused any injury to deceased Haji. However, the allegation against the applicant is that he given hatchet blow on the left hand of PW Abdul Sattar. The injuries were declared by the Doctor as falling under Section 337-F(iii) P.P.C., which is punishable up to 03 years. Counsel for the applicant also invited attention of the court that co-accused Bhooro and Qurban have been granted bail by this Court vide order dated 02.10.2024 and 04.03.2024 respectively, whereas the role assigned to co-accused Qurban is that he caused injury to PW Abdul Sattar. From the face of the F.I.R., it appears that Abdul Sattar received only one injury, but two persons were booked in this case, the present applicant and co-accused Qurban. Counsel for the applicant also pleaded that since co-accused Bhooro and Qurban have been granted bail by this Court, the applicant is also entitled to the same relief on the rule of consistency. Furthermore, the applicant is in jail, is no more required for further investigation, and if the case proceeded, the punishment is up to 03 years, whereas the applicant has already remained in jail for 22 months. The learned counsel for the applicant has made out case for the

grant of bail in terms of subsection (2) of section 497 Cr.P.C. Resultantly, the instant bail application is allowed and the applicant/accused is enlarged on bail subject to his furnishing solvent surety in the sum of Rs.50,000/ (Rupees Fifty Thousand only) and P.R bonds in the like amount to the satisfaction of the trial Court.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

****Faisal****