

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD  
Cr. B.A. No.S- 772 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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- 1. For orders on office objection.
- 2. For hearing of main case.

05.10.2020

Syed Bakhshal Shah, Advocate for applicant.

Ms. Sobia Bhatti, A.P.G, Sindh.  
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**ABDUL MAALIK GADDI, J.**-Through this bail application, the applicant seeks post-arrest bail in Crime No.98 of 2020, registered at Police Station A-Section Dadu, under sections 324, 336-B, 458, 504, 147, 148, 149, 337-A(i), 337-F(i) PPC.

2. Perusal of record reveals that earlier bail application moved by the present applicant for grant of post-arrest bail was dismissed vide order dated 11.05.2020. Thereafter, applicant repeated his bail plea which was also declined vide order dated 07.07.2020, passed by learned Additional Sessions Judge-IV, Dadu in Cr. Bail Application No.989 of 2020. Then applicant approached this Court through instant application for same relief.

3. As per F.I.R, the allegation against the Applicant is that on 14.04.2020, present applicant alongwith co-accused Munawar and others entered into complainant / victim’s house, thrown acid on her person and thereby caused injuries on her face, neck, abdomen, legs and other parts of body; she made cries and then accused fled away. Thereafter, complainant / victim lodged F.I.R.

4. Learned counsel for the applicant during course of arguments, reiterated the grounds as mentioned in the memo of bail application and further submitted that after issuance of final medical certificate case of the applicant becomes as of further inquiry; that the applicant is innocent; that the F.I.R. is false and fabricated and the applicant has falsely been implicated in this case; that the case of the applicant does not fall within the prohibitory clause of section 497 Cr.P.C; therefore, the applicant is entitled for bail. Under these circumstances, he prays for grant of bail to the applicant.

5. Learned A.P.G Sindh while opposing the bail application has submitted that applicant has sprinkled acid upon the complainant and thereby caused injuries to her in a brutal manner; that section 336-B PPC is punishable for 14 years; therefore case of the applicant falls within prohibitory clause of section 497 Cr.P.C and he deserves no relief.

6. Arguments heard and record perused.

7. It is noted that due to matrimonial dispute on 14.04.2020 present applicant alongwith co-accused entered the house of complainant and thrown acid upon her which caused serious injuries on different parts of her person; thereafter, the victim lady received medical treatment at Civil Hospital Karachi; that the applicant has actively participated in the commission of offence; that the applicant has been fully nominated in the F.I.R. with specific role; that there is no question of identification because complainant party knew the applicant prior to this incident very well and she has fully implicated him with specific role in the commission of offence; that the alleged offence is punishable up to 14 years, hence the case of applicant falls within prohibitory clause of section 497 Cr.P.C.

8. Moreover, at bail stage only a tentative assessment has to be made and deeper appreciation is not permissible. In the present case, complainant and P.Ws have implicated the applicant with the commission of alleged offence; hence tentatively the applicant has committed the alleged offence in the manner as alleged in the F.I.R; thus at this stage he is not entitled for any concession.

9. In view of above, I feel no hesitation but to dismiss the instant bail application. However, since this is a injury case of brutal nature, therefore, the trial Court is directed to proceed with the same expeditiously and decide the same preferably within a period of 60 working days from the receipt of this order and submit compliance report through Additional Registrar of this Court.

10. Needless to mention that the observations made hereinabove are tentative in nature and the trial Court shall not be influenced upon by any of them while proceeding with and deciding the case on merits.

11. Bail application stands disposed of alongwith pending applicant(s).

JUDGE