

COMMENTS

High Court released convict petitioner for a period of three years on bail to make arrangements for payment of Diyat to legal heirs of deceased. Order accordingly. **2006 P.Cr.R. 355**

Recovery of diyat, Arsh and Daman.-- After serving out substantive sentence of imprisonment, keeping a convict in jaul for non-payment of diyat, arsh or daman owing to the incapacity of the convict or because he is not in a position to furnish security for his bail is a punishment and not only incommensurate with the additional compensatory punishment but also offensive to human dignity. Human being cannot be allowed to rot in jail like a vegetable or to dye in an iron cage like an animal merely because, for no fault of his own. Destitute convicts at any stage of the matter shall be entitled to apply for assistance from zakat fund or Bait-ul-Maal towards payment of diyat, arsh and daman or fine. **PLD 2002 Lah. 482**

Convicts having no source of income to pay amount of Diyat as ordered by Supreme Court released on bail under S. 331(2) by accepting their petition under S. 561-A, Cr.P.C. subject to furnishing of bail bond/surety bond to the tune of Diyat amount. **NLR 2001 Cri. 98**

332. Hurt.-- (1) Whoever causes pain, harm, disease, infirmity or injury to any person or impairs, disables or dismembers any organ of the body or part thereof any person without causing his death, is said to cause hurt.

(2) The following are the kinds of hurt:-

- (a) Itlaf-i-udw;
- (b) Itlaf-i-salahiyyat-i-udw;
- (c) Shajjah;
- (d) Jurh; and

(e) all kinds of other hurts.
333. Itlaf-i-udw.-- Whoever dismembers, amputates, severest any limb or organ of the body of another person is said to cause Italf-i-udw.--

COMMENTS

The offence signifies destruction or amputation of any member or joint in the body. It falls within the ambit of grievous hurt.

334. Punishment for itlaf-i-udw.-- Whoever by doing any act, with the intention of thereby causing hurt to any person, or with the knowledge that he is likely there-by to cause hurt to any person cause itlaf-i-udw of any person, shall, in consultation with the authorised medical officer, be punished with qisas, and if the qisas is not executable keeping in view the principles of equality in accordance with the Injunctions of Islam, the offender shall be liable to arsh and may also be punished with imprisonment of either description for a term which may extend to ten years as ta'zir.

COMMENTS

Arsh.-- Not equivalent to compensation--Accused chopping off and mutilating he nose of the victim with a knife, convicted u/S. 334, PPC for causing heart. Liable to arsh equivalent to value of diyat in terms of S. 337-Q which is not the same thing as compensation u/S. 544-A, Cr.P.C. 2003 SCMR 496.

Co-accused at the time of occurrence was empty-handed and even his presence on the spot had not been proved beyond reasonable doubt, in order to attract S. 334, PPC to his case. No evidence was on record, except statement of complainant that the co-accused was also present at the spot. Presence of co-accused on the spot being not free from doubt, his convictions and sentences, were liable to be set aside. Appeal of said co-accused was accepted and he was acquitted of charge levelled against him and he was released. 2006 P.Cr.L.J. 284 (b)

Domestic violence and bail. Petitioner cut off tip of nose of his wife as a domestic violence. Bail refused. 2008 SLJ (Kar) 1435.

335. Itlaf-i-salahiyyat-i-udw.-- Whoever destroys or permanently impairs the functioning, power or capacity of an organ of the body of another person, or causes permanent disfigurement is said to cause itlaf-i-salahiyyat-i-udw.

COMMENTS

Scope.-- The offence covers:--

- (i) Permanent impairing of the power of any member or joint.
- (ii) Privation of sight of either eye, hearing of either ear, or of any member or joint.
- (iii) Cutting of any lip.
- (iv) Uprooting of the hair of the head, eye, brows, eye laches or any other part of the body.
- (v) Privation of complete sight.
- (vi) Privation of complete hearing.
- (vii) Loss of sexual power.
- (viii) Cutting of nose--Part or whole.
- (ix) Loss of tooth other than milk tooth.
- (x) Loss of milk tooth if amounts to permanent loss of tooth.
- (xi) Loss of one finger or thumb whether of hand or foot.

These fall within the ambit of grievous hurt.

336. Punishment for itlaf-i-salahiyyat-i-udw.-- Whoever, by doing any act with the intention of causing hurt to any person, or with the knowledge that he is likely to cause hurt to any person, causes itlaf-i-salahiyyat-i-udw, of any person, shall, in consultation with the authorised medical officer, be punished with qisas and if the qisas is not executable keeping in view the principles of equality in accordance with the Injunctions of Islam, the offender shall be liable to arsh and may also be punished with imprisonment of either description for a term which may extend to ten years as ta'zir.

COMMENTS

Right of self-defence in bail. Injured PW had illicit relations with the wife of petitioner.
 Bail allowed. 2009 LN (Lah) 237
 Cancellation of bail. Absence of medical report about dislocation of teeth of the
 injured due to fist blow. Cancellation of bail refused. 2009 P.Cr.(Lah) 162
 Sentence of Arsh of Rs. 5,00,000 was reduced to Rs. 3,00,000 and imprisonment for
 seven years was reduced to five years in circumstances. Petition after conversion into appeal
 was partially accepted to the extent of sentence alone in the above terms. 2010 SCMR 401

¹[336-A.

Hurt causes by corrosive substance. Whoever with the intention or
 knowingly causes or attempts to cause hurt by means of a corrosive substance or any
 substance which is delirious to human body when it is allowed, inhaled, came into contact or
 received into human body or otherwise shall be said to cause hurt by corrosive substance;
Explanation. In this sub-section, unless the context, otherwise requires, "corrosive
 substance" means a substance which may destroy, cause hurt, deface or dismember any organ
 or the human body and includes every kind of acid, poison, explosive or explosive
 substance, heating substance, noxious thing, arsenic or any other chemical which has a
 corroding effect and which is deleterious to human body.

336-B. Punishment for hurt by corrosive substance. Whoever causes hurt by
 corrosive substance shall be punished with imprisonment for life or imprisonment of either
 description which shall not be less than fourteen years and a minimum fine of one million
 rupees.]

337. Shajjah.-- (1) Whoever causes, on the head or face of any person, any hurt
 which does not amount to itlaf-i-udw or itlaf-i-salahiyyat-i-udw, is said to cause Shajjah.

(2) The following are the kinds of Shajjah, namely:-

- (a) Shajjah-i-Khafifah;
- (b) Shajjah-i-mudihah;
- (c) Shajjah-i-hashimah;
- (d) Shajjah-i-munaqillah;
- (e) Shajjah-i-ammah;
- (f) Shajjah-i-damighah.

(3) Whoever causes Shajjah--

(i) without exposing bone of the victim, is said to cause shajjah-i-khafifah;

(ii) by exposing any bone of the victim, without causing fracture, it, is said to
 cause shajjah-i-mudihah;

(iii) by fracturing the bone of the victim and without dislocating it, is said to
 cause Shajjah-i-hashimah;

(iv) by causing fracture of the bone of the victim and thereby the bone is
 dislocated, is said to cause Shajjah-i-munaqillah;

(v) by causing fracture of the skull of the victim so that the wound touches the
 membrane of the brain, is said to cause Shajjah-i-ammah; and

(vi) by causing fracture of the skull of the victim and the wound ruptures the
 membrane of the brain is said to cause Shajjah-i-damighah.

COMMENTS

Bail After Arrst. (Hurt cases). Plea of bail after arrest by virtue of S. 337-N(2), PPC.

was ready to deposit the requisite amount of Arsh or Daman with Trial Court. Relief. **Held:** In instant case petitioner happened to be husband of complainant and there was no pre-meditation on part of petitioner. According to F.I.R. itself situation had degenerated into violence at spur of moment upon arrival of petitioners son (the complainants step-son) at matrimonial home of petitioner and complainant. Petitioner had allegedly picked up sota and he and his son had collectively given only three injuries to complainant. Petitioner had no credentials or antecedents of being a previous convict, habitual or hardened, desperate or dangerous criminal and offence alleged in instant case had not been committed by him in the name or on the pretext of honour. Petitioner was admitted to bail subject to deposit of the requisite amount of Arsh and appropriate, amount of Daman to be determined tentatively by Trial Court. Bail after arrest granted. **2009 P.Cr.R. (Lah) 811(j)**

Trial stood vitiated due to failure of prosecution to examine said persons vis-a-vis their statement made before the illaqa Judicial Magistrate u/S. 164 Cr.P.C.. Criminal appeal allowed. Impugned judgment set aside. case remanded for recording statements of said persons de-novo accordingly. **2005 LN (Pesh) 1091(a)**

Further inquiry. Matter was not reported to police for two days after the alleged occurrence. Complainant, sixteen days after the occurrence, ha stated in favour of accused. Statement of victim had not been recorded by Investigating Officer. Even in challan submitted under S. 173, Cr.P.C. name of victim had not been mentioned in the calendar of witnesses. Allegation against accused needing further inquiry within purview of sub-section (2) of S. 497, Cr.P.C., accused was admitted to bail. **2004 YLR (Lah) 2391** Provisions of Ss. 365 and 382, PPC had been deleted during investigation and except S. 452, PPC other offences did not fall with in the prohibitory clause of S. 497, Cr.P.C. F.I.R. to some extent had been disbelieved during investigation. Question whether S. 452, PPC was attracted in the case or not needed further inquiry. Challan had been submitted, but trial had not commenced which was likely to take considerable long period. Accused were not involved in any other case. Bare allegation that accused belonged to land grabber group and were habitual offenders, was not established in the case. Accused were admitted to bail, in circumstances. **2004 YLR (Lah) 1309**

Attempt to commit sodomy and bail. Attempt to commit sodomy on roof of mosque. Bail refused. **2009 P.Cr.R. (Multan) 58(b)**

337-A. Punishment of Shajjah. Whoever, by doing any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, causes-

(i) Shajjah-i-khafifah to any person, shall be liable to daman and may also be punished with imprisonment of either description for a term which may extend to two years as ta'zir;

(ii) Shajjah-i-mudihah to any person, shall, in consultation with the authorised medical officer, be punished with qisas, and if the qisas is not executable keeping in view the principles of equality in accordance with the Injunctions of Islam, the convict shall be liable to arsh which shall be five per cent of the diyat and may also be punished with imprisonment of either description for a term which may extend to five years as ta'zir;

(iii) Shajjah-i-hashimah to any person, shall be liable to arsh which shall be ten per cent of the diyat and may also be punished with imprisonment of either description for a term which may extend to ten years as ta'zir;

(iv) Shajjah-i-munaqqilah to any person, shall be liable to arsh which shall be fifteen per cent of the diyat and may also be punished with imprisonment of either description for a term which may extend to ten years as ta'zir;

(v) Shajjah-i-ammah to any person, shall be liable to arsh which shall be one-third of the diyat and may also be punished with imprisonment of either description for a term which may extend to ¹³⁵[fourteen] years as ta'zir; and

(vi) Shajjah-i-damighah to any person, shall be liable to arsh which shall be one-half of diyat and may also be punished with imprisonment of either description for a term which may extend to fourteen years as ta'zir.

COMMENTS

Case of hearsay evidence. Investigation in instant case had not been completed and case was in process of inquiry. High Court could not interfere in process of inquiry being conducted by police. Writ petition dismissed. 2008 LN (R.Pindi) 596(a) Exercise of writ jurisdiction by High Court. Question of investigation in instant case had not been completed and case was in process of inquiry. High Court could not interfere in investigation being conducted by police. Writ petition dismissed. 2008 P.Cr.R. (R.Pindi) 1004(a)

It could not be relied upon that the victim woman might have aborted after eight weeks. Bail allowed. 2008 P.Cr.R. (Lah) 983

Medical evidence. Criminal appeal was allowed against impugned judgment of acquittal. 2008 LN (Kar) 485(b)

Circumstances. Two co-accused were let off by the police despite specific allegation of causing fire-arm injury on the chest of complainant was made against them. Accused had been assigned the part of causing injury which was punishable with imprisonment of five medical certificate was also creating suspicious circumstances which could be determined at the time of trial. Various liability of accused persons was yet to be determined at the time of the trial in view of investigation conducted by police where two co-accused were let off. Accused was entitled to concession of bail, in circumstances. PLD 2004 (Kar) 38

Bail and nature of injury. Injury was declared as "Ghair Jaifah Hashimah". Bail refused. 2008 P.Cr.R. (Lah) 931

Ghair jaifah Hashmiah injury and bail matter. Injury had been declared as Ghari Hafah Hashmiah bail refused. 2008 LN (Lah) 805

Multiple wounds and bail. Merely that alleged offence fell outside prohibitory clause could not be made basis for grant of bail. 2008 P.Cr.R. (Lah) 885

Prohibitory clause. In the instant case no injury is attributed to petitioner's wife of complainant or the complainant, so to their extent interim bail already granted to them is confirmed. As far as petitioner No. 1 is concerned, he gave an injury on the head of complainant's wife. Considerations for grant of bail before arrest and after arrest are totally different and the offence also falls within the prohibitory clause of Section 497(1), Cr.P.C. The application to his extent is dismissed. Bail partly dismissed. 2004 L.N. (Lah) 857

Case of two versions. Occurrence was reported to police by said PW with delay of about 3 hours F.I.R. was not recorded at the Police Station rather complainants statement which was converted into F.I.R. was recorded at the said chak. Possibility of recording said statement after preliminary investigation could not be ruled out. Neither the deceased nor the injured PW belonged to village in which occurrence took place. There was no enmity at all between appellant and his family members with said guests of complainant. Ocular evidence had already been disbelieved qua other seven co-accused who consequently had been acquitted. Dragging of deceased in presence of so many people single handedly by appellant appeared to be doubtful. Further said aspect of matter was contradicted by post-mortem report. Manner in which occurrence according to prosecution took place was neither plausible nor believable. Said version of prosecution was discarded. Motive part of story had also been disbelieved by Trial Court. Though appellant did not appear in witness-box in his defence but burden of proof to prove self-defence was not so heavy as it was on prosecution to prove its case. Appellant had repeated the fire. Said injured PW was shot injured when he was running. Appellant had exceeded his right of self-defence. Impugned conviction was converted to that under Section 302(c), P.P.C. and appellant was awarded 15 years R.I.. Criminal appeal partly allowed/impugned sentence reduced. 2008 LN (Lah) 612(a)

Pre-arrest bail, confirmation of. Co-accused though were nominated in the F.I.R., but injuries attributed to them were simple in nature and according to the medical report were only 1.5 c.m. into 0.5 c.m. and laceration. Injuries attributed to co-accused were on non-vital parts of the body of injured. Sending accused behind the bar could not serve any useful purpose to the prosecution specially when it had come on record that despite constitution of Medical Board on the order of the Magistrate, injured did not appear for examination. Pre-arrest bail already granted to co-accused, was confirmed, in circumstances. **2009 P.Cr.L.J. [Lahore] (b) 132**

Cancellation of bail before arrest. Considerations for grant of pre-arrest bail and post-arrest bail were entirely different. Grounds on which pre-arrest bail was confirmed, were not relevant for grant of pre-arrest bail, but those could be relevant or sufficient for post-arrest bail. Prima facie, the Trial Court had failed to appreciate the distinction of considerations in the present case. Power to grant pre-arrest bail was available in cases of exceptional nature and that power had to be exercised when pre-conditions laid down by the superior courts were satisfied. Pre-arrest bail could also be granted where falsity of involvement of accused was visible on the record. Trial Court in impugned order had itself recorded that recovery of weapon of offence was effected from accused. Trial Court also observed that offences against accused persons, were of bailable nature, except under S.337-A(ii), P.P.C.. Trial Court, in other words, did not believe false involvement of the accused persons. Trial Court did not even mention that accused persons were involved with mala fide and ulterior motive on the part of the complainant or the Police. Application for cancellation of bail was granted and impugned order passed by the Trial Court was set aside being unlawful. **2009 P.Cr.L.J. [Lahore] 974**

Pre-arrest bail, grant of. Injuries on the person of the complainant were punishable under Ss.337-A(i), 337-(ii) & 337-F(iii), P.P.C. out of which the former mentioned two provisions of law were non-cognizable and bailable. Allegation of the complainant that accused had given him dagger blows stood belied by medical evidence. Observation of Sessions Court that the accused had failed to establish mala fide on the part of police or the complainant was offensive to the record. Question touching human liberty should not have been dealt with, mechanically and in a casual way. Allegation against the accused appeared to be tainted with mala fide on the part of the Investigator and the complainant. Interim pre-arrest bail of the accused was confirmed in circumstances. **2009 P.Cr.L.J. [Lahore] 1008**

Private Complaint. (Inquiry). Said Magistrate held that complaint prima facie was triable by Area Magistrate and complainant was directed to produce cursory evidence. Revision petition was accepted thereagainst by lower Court. Writ petition in High Court against impugned order. Validity. Since private complaint disclosed commission of offence under Section 302, PPC alongwith other offences, therefore, Magistrate was legally bound to send the case to Court of Sessions for trial. Even a Magistrate was not competent to hold inquiry without specific order of Court of Sessions under section 202, Cr.P.C. In such a situation, order of Area Magistrate amounted to usurpation of jurisdiction vested in Court of Sessions. Even otherwise Constitutional petition was not maintainable against revisional order. Writ petition dismissed. **2010 P.Cr.R. (Lah) 138(b)**

Inquiry. Magistrate had no authority to take cognizance of offence exclusively triable by Sessions Court of original jurisdiction and thus could not start inquiry on a private complaint same having not been transferred to him. Magistrate was not competent to hold inquiry without specific order of Court of Session. Revisional Court had rightly set aside said order passed by Magistrate. Writ petition dismissed by Trial Court. **2010 P.Cr.R. (Lah) 138(d)**

Bail in injuries case. Grant of bail on payment of Diyat money. **2010 P.Cr.R. (Lah) 80**

337-B. Jurh. (1) Whoever causes on any part of the body of a person, other than the head or face, a hurt which leaves a mark of the wound, whether temporary or permanent, is said to cause jurh.

- (2) Jurh is of two kinds, namely:-
- (a) Jaifah; and
 - (b) Ghayr-jaifah.

COMMENT

Jurh.-- Causing bodily injury or wound. **KLR 1992 (Cr.C.) 540.**

[Ss. 337C-337E]

337-C. Jaifah.-- Whoever causes jurh in which the injury extends to the body cavity of the trunk, is said to cause jaifah.

COMMENTS

Body cavity.-- Body cavity means a part of the body under which vital organs are located and if an injury penetrates into the body cavity and then enters that part of the body wherein vital organs are located, only then that can be treated as Jaifah and punishment can be awarded accordingly. **PLD 1998 Lah. 84.**

337-D. Punishment of jaifah.-- Whoever by doing any act with the intention of causing hurt to a person, or with the knowledge that he is likely to cause hurt to such person, causes jaifah to such person, shall be liable to arsh which shall be one-third of the diyat and may also be punished with imprisonment of either description for a term which may extend to ten years as ta'zir.

COMMENTS

Presence of said injured PWs at the time of alleged occurrence could not be doubted. Plea of self-defence raised by appellants was not accepted by High Court and Trial Court had rightly rejected the same. It was a case of sudden fight without pre-meditation and it being a free fight each and every one was responsible for his own individual act attributed to him. Fatal injury on body of deceased on lower part of abdomen with fire-arm was attributed to appellant. Prosecution had proved its case beyond any shadow of doubt. Criminal appeal dismissed. **2008 P.Cr.R. (Lah) 1460(b)**

By way of Crl. Misc. in Criminal appeal in High Court petition/appellant sought suspension of impugned sentence of 5 years R.I. with payment of Arsh as awarded by Trial Court in the said case. Validity. Said sentence was short and hearing of appeal might take some time. Impugned sentence suspended. **2005 P.Cr.R. (Multan) 1328**

Post-arrest bail plea of petitioner in High Court. Validity. Only allegation levelled against petitioners in FIR was that of providing behind-the-scene abetment to their co-accused. No specific utterance had been attributed by said P.Ws. to any of the accused persons. Co-petitioner was women and thus her case attracted the first proviso. Case called for further inquiry. Bail after arrest granted. **2005 P.Cr.R. (Lah) 890**

337-E. Ghayr-jaifah.-- Whoever causes jurh which does not amount to jaifah, is said to cause ghayr-jaifah.

(2) The following are the kinds of ghayr-jaifah, namely:-

- (a) Damiyah;
- (b) badi'ah;
- (c) mutalahimah;
- (d) mudihah;
- (e) hashimah; and
- (f) munaqqilah;

(3) Whoever causes ghayr-faifah--

- (i) in which the skin is ruptured and bleeding occurs, is said to cause damiyah;
- (ii) by cutting or incising the flesh without exposing the bone, is said to cause badi'ah;
- (iii) by lacerating the flesh, is said to cause mutalahimah;

- (iv) by exposing the bone, is said to cause mudihah;
- (v) by causing fracture of a bone without dislocating it, is said to cause hashimah; and
- (vi) by fracturing and dislocating the bone, is said to cause munaqqilah.

COMMENTS

Liability to pay Arsh and the amount are mandatory conditions, for which the Court passing the sentence has not been granted any discretion to remit the imposition "Arsh" or to direct the payment of amount less than 1/3rd of Diyat. In case of passing of sentence of punishment of imprisonment the Court has got discretionary powers to impose imprisonment or not to pass the sentence or the award the sentence upto the extent of ten years. 2005 P.Cr.R. (B.Pur) 1581(a)

337-F. Punishment of ghayr-jaifah.-- Whoever by doing any act with the intention of causing hurt to any person, or with the knowledge that he is likely to cause hurt to any person, causes--

(i) damiyah to any person, shall be liable to daman and may also be punished with imprisonment of either description for a term which may extend to one year as ta'zir;

(ii) badi'ah to any person, shall be liable to daman and may also be punished with imprisonment of either description for a term which may extend to three years as ta'zir;

(iii) mutalahimah to any person, shall be liable to daman and may also be punished with imprisonment of either description for a term which may extend to three years as ta'zir;

(iv) mudihah to any person, shall be liable to daman and may also be punished with imprisonment of either description for a term which may extend to five years; as ta'zir;

(v) hashimah to any person, shall be liable to daman and may also be punished with imprisonment of either description for a term which may extend to five years; and

(vi) munaqqilah to any person, shall be liable to daman and may also be punished with imprisonment of either description for a term which may extend to seven years as ta'zir.

COMMENTS

Optional additional sentence as Tazir. Petitioner was not a previous convict. Impugned sentence of imprisonment as Tazir was set aside. **2010 P.Cr.R. (Lah) 27**

Conditional bail granting order. Grant of conditional bail in hurt case. **2010 P.Cr.R. (Multan) 136**
Bail, refusal of. Alleged occurrence carried the liability of sentence which may extend to imprisonment for three years and as such prohibition of S.497, Cr.P.C. was not attracted but it could not be denied that in cases not covered by the said prohibition, the grant of bail was rule and refusal was an exception. Alleged odd attitude which injured not only the sensitive parts of the female body but also caused severe mental and physiological agony to the victim in addition to the physical torture, had also to be given due consideration. Accused if simply allowed bail for the absence of prohibition of S.497 Cr.P.C. while the circumstance showed the gravity of the matter not only for the personal life of an individual victim but also exposed her chastity and modesty besides the insult. Bail was refused in circumstances. 2009 P Cr. L J [Lahore] 251

Multiple wounds and bail. Merely that alleged offence fell outside prohibitory clause could not be made basis for grant of bail. **2008 P.Cr.R. (Lah) 885**

Offences charged were punishable with maximum punishment of 5 years' R.I. and did not fall within prohibitory clause. In spite of submission of challan, trial of case had not commenced and there was no chance of its conclusion in near future. Person of petitioner was no more needed for investigation purposes and his further detention would not advance prosecution case any more. There was no allegation of abscondance/tampering with the prosecution evidence. Bail after arrest granted. **2006 P.Cr.R. (Lah) 14(c)**

Matter was reported to police after almost 21 days of occurrence and there was no plausible explanation for the said delay. Story of prosecution to extent of abduction of complainant was found false and I.O. had deleted S. 365, PPC. Case of further inquiry. Interim pre-arrest bail confirmed. **2006 P.Cr.R. 298**

Acquittal Appeal (Hurt Case). Aggrieved person. Acquittal appeal/aggrieved persons. In hurt cases, acquittal appeal can be filed only by the injured of the legal heirs. **2009 P.Cr.R. (Lah) 140(b)**

Acquittal. Improvement in evidence of PWs. Impugned acquittal order maintained. **2009 PLR (Pesh) 125**

Aggrieved person. Acquittal appeal/aggrieved persons. In hurt cases, acquittal appeal can be filed only by the injured of the legal heirs. **2009 P.Cr.R. (Lah) 140(b)**

Bail. (Inhuman attitude). Petitioner allegedly clinched private parts of his wife/victim with pliers and then gave blade cuts on the same. Inhuman attitude an exceptional circumstance. After arrest bail plea in High Court. **Held:** Alleged odd attitude which injured not only sensitive parts of female body but also caused severe mental and physiological agony to the victim/complainant in addition to physical torture had also to be given due consideration. Cases which are not covered by prohibition, grant of bail is a rule and refusal an exception. Bail after arrest refused. **2009 LN (Lah) 403(a)**

Bail and injuries. Fracture on right hand caused by firing. Bail refused. **2008 P.Cr.R. (Lah) 933**
Bail in injuries case. **KLR 2008 Cr.C. (Multan) 200**

Bail and nature of injury. Injury was declared as "Ghair Jajifah Hashimah". Bail refused. **2008 PCrR (Lah) 931**

Cross-version. Cross-version and pre-arrest bail was allowed in hurt case. **2009 P.Cr.R. (R.Pindi) 870**

Isqat-i-Haml and bail. Medical report did not state as to age of gestation. Bail allowed in allegation relating to Isqat-i-Haml. **2009 P.Cr.R. (R.Pindi) 966(b)**

Simultaneous bail application. Accused cannot resort to lower Court for the relief during pendency of bail petition in High Court. **2009 P.Cr.R. (R.Pindi) 519**

337-G. Punishment for hurt by rash or negligent driving.-- Whoever causes hurt by rash or negligent driving shall be liable to the arsh or daman specified for the kind of hurt caused and may also be punished with imprisonment of either description for a term which may extend to five years as ta'zir.

COMMENTS

- (a) Shajjah-i-Khafifah Hurt on head or face in which bone is not exposed
- (b) Shajjah-i-Mudihah Hurt in which bone is exposed but not disclosed.
- (c) Shajjah-i-hashimah Fracture of the bone without its dislocation
- (d) Shajjah-i-Munaqqilah Fracture of bone by dislocation.

- Daman and imprisonment of either description for two years. (Bailable)
- Qisas, Arsh and imprisonment of either description for five years. (Not bailable).
- Arsh, and imprisonment of either description for seven years. (Not bailable).
- Arsh, and imprisonment of either description for seven years. (Not bailable).

(e) <i>Shajjah-i-Munaqqilah</i>	Fracture of the skull when the wound touches membrane of the brain.	Arsh, and imprisonment of either description for ten years (Not bailable)
(f) <i>Shajjah-i-damighah</i>	Fracture of the skull when the wound ruptures the membrane of the brain.	Arsh and imprisonment of either description for fourteen years. (Not bailable)
(g) <i>Jaifah</i>	When the wound enters the body of the trunk (if the wound pierces through any part of the body the offender shall be guilty of causing jaifah for each of the wound separately).	Arsh, and imprisonment of either description for ten years and punishment provided for <i>Itlafi-udw</i> or <i>Italaf-i-salahiyat-i-udw</i> if caused. (Not bailable)
(h) <i>Ghayr-Jaifah</i>	Rupture of the skin causing bleeding	<i>Daman</i> and imprisonment of either description for one year. (Bailable)
(i) <i>Damiyah</i>		
(ii) <i>Badiyah</i>	Bone not exposed	<i>Daman</i> and imprisonment of either description for three years. (Not bailable)
(iii) <i>Mutlahimah</i>	Lacerating the flesh	<i>Daman</i> and imprisonment of either description or three years. (Not bailable)
(iv) <i>Mudihah</i>	Exposing the bone	<i>Daman</i> and imprisonment of either description for five years (Not bailable)
(v) <i>Hashimah</i>	Fracture without disclosing of bone	<i>Daman</i> and imprisonment of either description for five years (Not bailable)
(vi) <i>Munaqqilah</i>	Fracture and dislocation of bone	<i>Daman</i> and imprisonment of either description for seven years. (Not bailable)

337-H. Punishment of hurt by rash or negligent act.-- (1) Whoever causes hurt by rash or negligent act, other than rash or negligent driving, shall be liable to the arsh or daman specified for the kind of hurt caused and may also be punished with imprisonment of either description for a term which may extend to three years as ta'zir.

(2) Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

COMMENTS

Bail. Grant of bail in offence falling outside prohibitory clause. *KLR 2008 Cr.C. (Lah) 167(b)*

Bail and vicarious liability. Allegation of ineffective firing/Bail was allowed. *2008 LN (Mt) 483*

Bail before arrest plea in High Court. Petitioner was named in F.I.R.. A supplementary statement was made seven days after occurrence. Case was of similar nature with co-accused who was allowed pre-arrest bail by lower Court. Interim pre-arrest bail confirmed. *KLR 2008 Cr.C. (Lah) 167(a)*

Bail in murder case. Attribution of specific role/Bail refused in murder case. *2010 SLJ (Larkana) 258*

Hardship case and bail. Accused was behind bars for more than two years. Bail was allowed in injury case. *2008 SLJ (Larkana) 534* = Accused was behind bars for more than two years. Bail was allowed in injury case. *2008 P.Cr.R. (Larkana) 679*

Identity of accused. Disclosures of names of applicants after lapse of 10 months. Bail allowed. *2008 P.Cr.R. (Larkana) 1490* = *2008 SLJ (Larkana) 1499*