

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-1360 of 2025

Applicant: Ahmed Son of Samar Hussain Chang through Mr. Nisar Ahmed Channa, Advocate.

Complainant: Sheezan Son of Mehar Ali through Mr. Mashooque Ali Jan Mangi, Advocate.

Respondent: The State through Mr. Irfan Ali Talpur, D.P.G.

Date of hearing: 23.02.2026

Date of order: 23.02.2026

ORDER

Riazat Ali Sahar, J. Through this bail application filed under Section 497 of the Code of Criminal Procedure, the applicant, Ahmed, seeks post-arrest bail in Crime No. 311 of 2025, registered at Police Station Hatri, Hyderabad, offence punishable under Sections 324, 504, 506 and 34 of the Pakistan Penal Code. His earlier bail plea was rejected by the learned trial Court vide order dated 15.10.2025.

2. The prosecution alleges that due to strained relations between the complainant and the applicant (his brother-in-law), on 26.09.2025, after Jumm'a prayer, the applicant along with co-accused, duly armed, arrived at Aman Masjid where co-accused Fareed fired at the complainant with intent to kill; however, he survived. The accused fled upon arrival of witnesses, and the FIR was lodged.

3. Learned counsel for the applicant contended that as per the complainant's own version, the applicant/accused was armed with a pistol; however, surprisingly, he neither fired any shot nor allegedly took any active part in the commission of the offence. He submitted that this fact alone is sufficient to

bring the case within the ambit of further inquiry. He further argued that the complainant has admitted in the FIR that there exists matrimonial enmity between the parties; therefore, the possibility of false implication cannot be ruled out. It is next contended that this is a case of ineffective firing, as no injury was sustained by the complainant or any other person. According to him, Section 324 PPC has been inserted merely to convert the case from a bailable to a non-bailable offence. In view of the above submissions, learned counsel prayed for the grant of bail to the applicant.

4. Conversely, learned D.P.G., assisted by learned counsel for the complainant, submitted that the applicant/accused is nominated in the FIR with a specific role, as he allegedly arrived at the place of occurrence along with the co-accused. It is further contended that co-accused Fareed fired upon the complainant; therefore, Section 324 PPC has rightly been applied in the given circumstances. They jointly prayed for dismissal of the instant Criminal Bail Application.

5. Heard learned counsel for the parties and perused the record.

6. The FIR appears to have been lodged with a delay of five days without any plausible explanation furnished by the complainant, despite the police station being situated at a distance of approximately five to six kilometers from the place of incident. This is a case of ineffective firing wherein, it is alleged that a shot was fired at the complainant by one of accused persons namely Fareed, no injury was sustained by anyone. The present applicant/accused is alleged only to have accompanied with the co-accused persons and has not been assigned any overt act in the commission of the offence, the intention of guilty mind (*mens rea*) on the part of applicant/accused requires evidence during trial. The offences with which the applicant stands charged are bailable, except Section 324 PPC, the applicability whereof will be determined

after recording evidence at trial. Furthermore, enmity is a double-edged weapon; it may provide a motive for the commission of an offence, or it may equally serve as a basis for false implication in order to settle personal scores as the applicant is admittedly brother-in-law of complainant in relation. At this pre-trial stage, prolonged detention of the applicant would amount to punishment before conviction, which is neither envisaged by law nor consonant with the settled principles governing bail, particularly where the case calls for deeper examination during trial.

7. In view of the foregoing, *prima facie*, the applicant succeeded in making out a case for **further inquiry**, as contemplated under **Sub-Section (2) of Section 497 of the Code of Criminal Procedure (Cr.P.C.)**. Consequently, the instant **Criminal Bail Application** was **allowed** in terms of my **short order dated 23.02.2026**. These are the reasons for the same.

8. Before parting, it needs not to make clarification that the observations recorded above are tentative in nature, therefore, the trial Court shall not be influenced in any manner whatsoever.

JUDGE

Muhammad Danish