

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2365 of 2026

Applicant : Lal Baksh son of Dawood through
M/s. Muhammad Hanif Qureshi and
Zakia Ashraf, Advocates

Respondent : The State through Mr. Sharaf-u-Din
Kanhra, Assistant Prosecutor
General, Sindh along with
Complainant, namely, Muhammad
Imran, present in person

Date of hearing : 31.08.2026

Date of decision : 31.08.2026

ORDER

Jan Ali Junejo, J.- Through this Criminal Bail Application, the Applicant seeks the concession of post-arrest bail in FIR No.256 of 2026, registered at Police Station Jamshed Quarters, Karachi, for offences punishable under Sections 320, 337-G, 337-F(i), 427 read with Section 322, PPC. The Applicant's earlier post-arrest bail application was declined by the learned XI-Additional Sessions Judge, Karachi East, *vide* Order dated 15.07.2026.

2. Briefly stated, the facts of the prosecution case, as narrated in the FIR, are that the complainant resides at the address mentioned therein and is engaged in business. On 18.04.2026, at about 1320 hours, the Complainant, along with his wife, namely Saima, aged about 35–40 years, was travelling on motorcycle No.KCH-7770, Yamaha, black in colour, after having visited Civil Hospital for a medical check-up. When they reached at M.A. Jinnah Road, near Peoples Chowrangi, Karachi, a bus, allegedly being driven rashly, negligently and at an excessive speed, came and hit their motorcycle. As a result, both the complainant and his wife fell onto the road, whereafter the said bus ran over Saima. She sustained severe injuries to her head, face and left hand, including a skull fracture, and succumbed to her injuries at the spot. The complainant also sustained injuries and was taken to the hospital by persons from the locality. Subsequently, he came to know that the bus was bearing registration No.JA-5173 and that its driver was the present applicant, Lal Bakhsh son of Daud. The complainant alleged that the accident occurred due to the rash and negligent driving of the applicant, resulting in the death of his wife, Saima Imran, and injuries to himself.

3. Learned Counsel for the Applicant contended that the offences initially incorporated in the FIR, namely Sections 320, 337-G, 337-F(i) and 427, PPC, were bailable in nature. It was argued that during the course of investigation, Section 322, PPC, was subsequently added by the prosecution with mala fide intention and ulterior motive in order to bring the case within the prohibitory clause of Section 497, Cr.P.C. Learned Counsel maintained that the applicant was otherwise entitled to the concession of post-arrest bail and that, at the very least, the circumstances of the case required further inquiry within the meaning of Section 497(2), Cr.P.C.

4. Conversely, learned Assistant Prosecutor General, Sindh assisted by the Complainant, present in person, vehemently opposed the bail application. It was contended that the Applicant was admittedly driving the bus involved in the accident and that his rash and negligent driving resulted in the death of a woman and injuries to the Complainant. It was further submitted that the applicant was apprehended at the spot and was not holding a valid licence authorizing him to drive the heavy transport vehicle in question. According to the prosecution, the applicant possessed only an LTV driving licence, whereas the vehicle being driven by him required an HTV licence. It was therefore argued that sufficient incriminating material is available on record connecting the applicant with the commission of the alleged offences and that no case for further inquiry has been made out.

5. I have heard the learned Counsel for the Applicant, learned Assistant Prosecutor General, Sindh and the Complainant in person, and have gone through the available record with their assistance.

6. The occurrence itself is not seriously disputed. The prosecution case, at this stage, is that the applicant was driving bus No.JA-5173 which collided with the motorcycle being ridden by the Complainant and his deceased wife. The latter sustained fatal injuries and died at the spot, whereas the Complainant also sustained injuries. The material collected during investigation prima facie supports the prosecution version regarding the involvement of the Applicant in the occurrence.

7. The principal contention of learned Counsel for the Applicant is that Section 322, PPC, was subsequently added during investigation in order to convert an otherwise bailable case into one attracting the prohibitory clause. This contention, however, cannot be accepted at this stage. The record prima facie reflects that the applicant was holding an LTV driving licence. The vehicle involved in the occurrence was a bus/heavy transport

vehicle, for driving which an appropriate HTV licence was required. The applicant has not produced any valid HTV licence authorizing him to drive the vehicle in question, the LTV licence produced by him before the Investigating Officer was verified from the office of the District Licensing Authority, Lasbela at Uthal.

8. The question regarding the legal effect of driving a heavy transport vehicle without the requisite licence, and the consequent applicability of Section 322, PPC, is a matter arising directly from the material collected during investigation. At the bail stage, the Court is required to make a tentative assessment of such material and is not expected to conduct a deeper or meticulous appreciation of evidence as would be required at the trial. Prima facie, therefore, the subsequent incorporation of Section 322, PPC, cannot at this stage be termed mala fide merely because it altered the nature of the offences originally mentioned in the FIR.

9. It is also significant that the Applicant has not been able to point out any specific circumstance, previous enmity or other plausible reason which could persuade this Court, at this stage, to believe that the complainant or the police have falsely implicated him in the present case. The Applicant's involvement is further supported by the fact that he was allegedly apprehended at the spot and that the vehicle involved in the occurrence was identified as the bus being driven by him.

10. It is a settled principle governing the exercise of jurisdiction under Section 497, Cr.P.C., that at the stage of bail the Court is required to make only a tentative assessment of the material available on record. The Court is neither expected nor permitted to undertake a deeper appreciation of evidence or determine the guilt or innocence of the accused, as such matters fall within the exclusive domain of the trial Court. The question before this Court is whether the material available on record, on a tentative assessment, brings the case within the ambit of further inquiry.

11. In the present case, the death of the Applicant's wife is an unfortunate and grave consequence of the alleged road accident. The prosecution has placed material on record which, prima facie, connects the applicant with the vehicle involved in the occurrence, while the record further reflects that he was not holding the requisite HTV licence for driving the said vehicle. The subsequent incorporation of Section 322, PPC, is therefore not, at this tentative stage, shown to be without lawful basis. Consequently, the case of the Applicant does not fall within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C.

12. For the foregoing reasons, I am of the tentative view that sufficient incriminating material is available on record connecting the applicant with the alleged offence and that no ground has been made out for extending to him the extraordinary concession of post-arrest bail. Accordingly, the instant bail application is **dismissed**.

13. Needless to observe, the observations made herein are purely tentative in nature and shall not prejudice the merits of the case or influence the learned Trial Court while deciding the matter after recording and evaluating the evidence in accordance with law.

JUDGE

Qurban