

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 988 of 2026

Applicant : Dad Shah
Son of Muhammad Saleem
through Mr. Tariq Hussain advocate

Complainant : Muhammad Ismail
S/o. Muhammad Yaqoob Baloch
Through: Mr. Shamsul Hadi
advocate

The State : Through Msr. Zahoor Shah, Addl.
Prosecutor General, Sindh

Date of hearing : 16.09.2026.

Date of decision : 16.09.2026.

ORDER

Jan Ali Junejo, J.- Applicant Dad Shah son of Muhammad Saleem seeks pre-arrest bail in FIR No.55/2026, under Section 324/34 PPC registered at Police Station Memon Goth, Karachi, calling in question the order dated 26.03.2026 passed by the learned Additional Sessions Judge-VIII, Malir at Karachi, whereby his pre-arrest bail application was dismissed. The Applicant was granted ad-interim pre-arrest bail by this Court vide Order dated: 01.04.2026.

2. The prosecution case, as set out in FIR No.55 of 2026, is that the complainant Muhammad Ismail verbally stated that he resides at the above-mentioned address in Column No.2 along with his family and is engaged in his own business, having a car showroom. On the night of 12.02.2026, he was present at his house, while his son Abdul Raqeeb, aged 22 years, was sitting on the roof of a room constructed in the garden adjacent to their house along with his friend Muhammad Huzaifa son of Haji Wali Muhammad. At about 12:15 a.m., upon hearing the sound of firing, the complainant called his son Abdul Raqeeb, who informed him that Dadshah son of Muhammad Saleem Baloch, alongwith one other person had arrived and that Dadshah had fired a burst from a Kalashnikov at him, as a result of which he sustained injuries. The complainant immediately rushed from his house towards the garden,

where his family members also arrived and saw his son Abdul Raqeeb lying in a pool of blood. He immediately placed him in his car and took him to Al-Mumtaz Hospital, Kala Board from where he was referred to Jinnah Hospital. Thereafter, they took Abdul Raqeeb to Aga Khan Hospital, where he is presently undergoing treatment. The complainant then approached the police station and reported against Dadshah son of Muhammad Saleem Baloch and his accomplice, whose name and address were unknown, alleging that they had fired directly at his 22-year-old son Abdul Raqeeb with the intention to kill him thereby causing him serious injuries for reasons unknown to him, hence this FIR.

3. The learned counsel for the applicant contended in substance that the applicant has been falsely implicated due to mala fide intentions arising out of an existing civil/property dispute between the parties; that there is an unexplained delay of about three days in lodging the FIR, the complainant is not an eyewitness and the FIR is based on information allegedly conveyed by the injured, while the friend of the injured, who was allegedly present at the spot, has not been cited as a complainant or produced as an independent witness. He further contended that the applicant was not present at the place of occurrence and was at DHA Phase-VI, Karachi, as supported by the movement report, and that the prosecution version contains material inconsistencies regarding the sequence of events. It was argued that no specific motive has been attributed to the applicant, no weapon has been recovered from him, and the injuries sustained by the injured are on non-vital parts of the body and are stated to be simple in nature; hence, the requisite intention for an offence under Section 324, PPC is yet to be established. Learned counsel further submitted that the circumstances emerging from the investigation have given rise to two versions, thereby bringing the case within the ambit of further inquiry under Section 497(2), Cr.P.C. He placed reliance upon the cases of *Saeedullah and others v. The State and another* (2023 SCMR 1397), *Ali Raza v. The State and others* (2022 SCMR 1245), *Zaigham Ashraf v. The State* (2016 SCMR 18), and *Aamir Hussain v. The State* (Cr. Bail Application No.2997 of 2025, decided on 23.12.2025), and submitted that, in view of the delayed FIR, disputed presence of the applicant, absence of recovery, non-vital injuries, lack of specific corroboration and the overall circumstances, the case calls for further inquiry and the applicant is entitled to the concession of pre-arrest bail.

4. The learned counsel for the Complainant has argued that bail must be denied as the prosecution has established a prima facie case under Sections 324 of the PPC, backed by irrefutable evidence. He argues that the severity of the charges, punishable upto ten years imprisonment, and the Applicant's potential to intimidate witnesses or endanger public safety. Additionally, he asserts that procedural objections, such as delays in FIR registration, hold no merit at this stage, as the prosecution has met the threshold of demonstrating guilt. He concludes that societal interest in preventing grave crimes, ensuring trial integrity, and deterring fugitive behavior necessitates the refusal of bail to keep the Applicant in custody until trial. Lastly, the learned counsel for the Complainant prayed for dismissal of bail of the Applicant. In support of his contention learned counsel for the complainant relied upon the case law reported in 2003 P.Cr.L.J Page 135, 2003 YLR 2131, 2009 P.Cr.L.J 378, 2020 P.Cr.L.J 976, 2023 SCMR 975, 2022 SCMR 273, 2022 SCMR 750, 2021 SCMR 5, 2024 YLR 1321, 2025 YLR 707, 2003 YLR 986 and 2026 YLR 1083.

5. The learned Addl. P. G. Sindh appearing on behalf of the State fully adopted the submissions advanced by the learned counsel for the complainant. He also opposed the grant of bail to the applicant, asserting that sufficient material has been collected during investigation connecting the accused with the offence, and thus, the case does not fall within the ambit of further inquiry.

6. I have heard the learned counsel for the applicant, learned counsel for the complainant and learned Addl. P. G. Sindh, and have gone through the available record with their assistance.

7. At the outset, it is observed that the concession of pre-arrest bail is an extraordinary relief and cannot be granted merely on the basis of tentative doubts or on grounds which require deeper appreciation of evidence. The applicant has been specifically nominated in the FIR with a direct and specific allegation that he alongwith his accomplice arrived at the place of occurrence and fired a burst from a Kalashnikov at the injured Abdul Raqeeb causing him firearm injuries. The fact that the complainant himself was not an eyewitness does not at this stage demolish the prosecution case, as the FIR specifically records that the injured informed his father immediately after the occurrence and the complainant thereafter

reached the spot and found his son lying injured in a pool of blood. The presence of the injured and the factum of firearm injuries are not disputed. Likewise, the mere non-citation of the injured's friend as an independent witness cannot be treated as sufficient to discard the prosecution version at the bail stage, particularly when the evidentiary worth of such omission is a matter to be assessed by the learned Trial Court after recording evidence.

8. The plea of alibi raised by the applicant, allegedly supported by a movement report showing his presence at DHA Phase-VI, Karachi, is a matter requiring examination of the relevant documentary and other evidence and cannot, in the circumstances of the present case, be accepted conclusively at this stage so as to override the specific allegation contained in the FIR. It is settled that a defence plea may be tentatively considered at the bail stage, but where its determination depends upon appreciation and comparison of competing evidence, the same ordinarily cannot be treated as a ground for extending extraordinary relief of pre-arrest bail. The plea regarding an existing property dispute between the parties and the alleged mala fide on the part of the complainant also does not, by itself, furnish sufficient ground for such relief, particularly when the applicant stands specifically nominated and assigned a direct role in the alleged firing.

9. The bare reading of section 324 PPC, would confirm that the act of attempt should be with such intention or knowledge and under the circumstances in which the attempt is being made. So, it is obvious that an attempt to commit qatl-e-amd there must be mens era followed by the act of wrongdoing which if done may cause qatl of the person. The name of the applicant/accused Dad Shah finds place in the FIR with the specific role that the accused Dad Shah fired upon the complainant's son. Prima facie section 324 PPC is very much applicable against them. The ocular evidence finds corroboration from the medical evidence. The offence alleged against him falls within the prohibitory clause of section 497(2) Cr.P.C. In this context, reliance is placed in the case of **Ghani Khan v. The State (2020 SCMR 594)**; wherein the Hon'ble Supreme Court of Pakistan has dismissed the bail application of accused filed for an offence under sections 324, 34 PPC. The relevant para of the said order is reproduced hereunder:

“2....It has been observed by us that the petitioner is named in the FIR with specific role of firing at the complainant Hazrat Ullah, which as per the statement of the complainant, hit him on his right thigh and right side of his chest. The said allegation is prima facie supported by the medical evidence. the offence alleged against him falls within the prohibitory clause of section 497(2) Code of Criminal Procedure. In these circumstances he is not entitled to the concession of bail.”

In another case of Bilal Khan v. The State (2020 SCMR 937); wherein the Hon’ble Supreme Court of Pakistan has dismissed the bail application of accused filed for an offence under sections 324, 34 PPC. The relevant para of the said order is reproduced hereunder:

“4... There can be no escape from the fact that the Petitioner is nominated in the FIR with a specific role of causing firearm injury to one Zararullah Khan. The said injured PW has accused the Petitioner and stands by his statement. It is not clear on what basis the Police found the Petitioner innocent. At the bail stage, only a tentative assessment is to be made and deeper appreciation is not permissible. There is sufficient material on record to connect the Petitioner with the crime. The offence falls within the prohibitory clause of section 497, Cr.P.C. in this view of the matter, we are not inclined to grant post-arrest bail to the Petitioner. Hence, this Criminal Petition must fail.”

10. The concession of pre-arrest bail cannot be allowed to an accused person unless the Court feels satisfied with the seriousness of the accused person’s assertion regarding his intended arrest being actuated by mala fide on the part of the complainant party or the local police but not a word about this crucial aspect of the matter is found as no mala fide is made on the part of the complainant to believe that the applicant/accused has been implicated in this case falsely. In this context, the reliance is placed to the case of **‘Rana Abdul Khaliq v. The STATE and others’ [2019 SCMR 1129]**. Further, in addition to the above, I would like to mention that grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a diversion of the usual course of law, arrest in cognizable cases; protection to the innocent being hounded on trump up charges through abuse of process of law, therefore, an applicant seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide, it is not a substitute for post-arrest bail in every run of the mill criminal case as it seriously hampers the course of the investigation.

11. At the bail stage, only a tentative assessment is to be made and deeper appreciation is not permissible. There is sufficient material available on record to connect the applicant/accused Dad Shah with the alleged offence. Learned counsel for the applicant/accused has failed to make out a case for grant of pre-arrest bail. Resultantly, the interim pre-arrest bail granted by this Court to applicant/accused Dad Shah son of Muhammad Saleem vide order dated 01.04.2026 is hereby recalled and the instant bail application is dismissed.

12. Needless to mention any observations made in the above order are tentative and shall not influence the trial court in any manner.

JUDGE