

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
Cr. Bail Appln No.1672 of 2021

| Date | Order with signature of Judge |
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For hearing of bail application  
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23.11.2021

M/s. Shabbir Ahmed Kumbhar & Muhammad Nawaz Tahiri,  
advocates for the applicant  
Ms. Seema Zaidi, DPG  
Mr. Sanaullah Soomro, advocate for complainant  
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**AFTAB AHMED GORAR, J.:-** Through this bail application, applicant Muzaffar son of Hashim seeks bail in Crime No.105 of 2020 registered at Police Station Mirpur Bathoro, for offences punishable under Sections 302, 324, 114, 337H(ii), 147, 148, 504, 337D PPC.

2. Learned Counsel for the applicant submitted that the applicant is innocent and has falsely been implicated in this case. He further contended that there is inordinate delay of 24 hours in lodging the FIR. He also contended that it is case of counter FIR lodged by the parties against each other as due to their fight people from both the sides got injured and therefore, it is yet to be determined that which party was aggressive. He submitted that the co-accused namely Abdul Hameed, Muhammad Hanif, Rashid, Abdul Latif, Abdul Sattar have already been enlarged on bail therefore, considering the case of the present applicant under rule of consistency, he may also be enlarged on bail.

3. Learned Deputy Prosecutor General assisted by the learned Counsel for the complainant has opposed the bail and submitted that the applicant is involved in a heinous offence where apart from injuring a witness, one Allah Bachayo was murdered she further submitted that the present applicant is also nominated in the FIR with specific role therefore, he is not entitled for concession of bail at this stage. She further contended that the applicant has failed to make out a prima

facie case in his favour therefore he does not deserve any leniency and as such prays that the bail application of the applicant may be dismissed.

4. I have heard the learned Counsel for the applicant, learned Deputy Prosecutor General, learned Counsel for the complainant and perused the record available before me.

5. Perusal of record reveals that the name of the applicant has been transpired in the FIR and while evaluating all available material tentatively, this Court has come to the conclusion that specific and exact role is attributed to the present applicant that he has fired at injured Ghulam Nabi who suffered a fire shot on his lower part of abdomen and the bullet travelled to his spinal cord which badly damaged it rendering the injured paralyzed and bedridden.

6. As far as the contention of the learned Counsel for the applicant that co-accused have already been granted bail, it is pertinent to mention here that the case of the present applicant is totally on different footings as compare to the cases of co-accused as no role has been assigned to any of the co-accused who had already been enlarged on bail, therefore, the instant bail application has no merits and same is hereby dismissed.

8. Needless to mention that this is tentative assessment for the purpose of this petition only, which shall not affect/influence trial of this case in any manner.

JUDGE