

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.409 of 2025

Applicant : Muhammad Mujahid S/o Bakshal
through Mr. Zakir Hussain Pirzada, Advocate

Complainant : Jani Shaikh S/o Rajab Ali
through Syed Naimatullah Shah, Advocate

Respondent : The State
through Ms. Rubina Qadir, Addl. P.G.
a/w SIP Muhammad Shahzad

Date of hearing : 12.03.2025

Date of order : 12.03.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.318/2024 for the offence under Sections 324, 34 PPC registered at PS Sir Syed, after his bail plea has been declined by learned II-Additional Sessions Judge-IV, Karachi Central vide order dated 11.09.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that in fact the applicant is a heart patient and unable to move properly. In support of his contention, he has shown his treatment file of NICVD. He further submits that in fact no incident has taken place but the complainant self-harmed himself and thereafter obtained a medical certificate; that the injury declared by the Doctor falls U/s 337-F(iii), for which punishment provided by law is three years. Lastly, he prays for confirmation of bail.

4. On the other hand, Syed Naimatullah Shah, Advocate files Vakalatnama on behalf of the complainant. He opposes for confirmation of bail so also learned Addl. P.G.

5. Heard the parties and perused the material available on record.

6. From perusal of record, it reflects that applicant is father-in-law of the complainant and due to matrimonial dispute between the parties, the instant FIR was registered. From the face of FIR, it appears that the only allegation against the applicant is that he has fired upon the complainant; however, when the complainant was asked to remove his Kameez and show the injury, there was no major cut but only slight scars were seen at the armpit of the complainant. Further, the punishment for the injury declared by the doctor does not fall within the prohibitory clause of Section 497 Cr.P.C. Learned counsel for the applicant has also pleaded malafide on the part of complainant that due to matrimonial dispute, he self-harmed himself and obtained a medical certificate. At bail stage, only tentative assessment is to be made.

7. In view of the above, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of section 497 Cr.P.C. Resultantly, the instant bail application is **allowed**. The interim pre-arrest bail granted to the applicant/accused vide order dated 14.02.2025 is hereby confirmed on same terms and conditions. The Applicant is directed to attend the trial. However, it is made clear that if the applicant/accused misuses the concession of bail, learned trial Court would be at liberty to take appropriate action.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA