

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2362 of 2023

Date	Order with signature of Judges
------	--------------------------------

For hearing of Bail Application

26.02.2024.

Mr. Asif Ibrahim, Advocate for the applicant.
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.

Mohammad Karim Khan Agha, J. Applicant Danyal Ali Khan S/o. Muzaffar Ali Khan is facing trial before the VIIth Additional Sessions Judge Central/MCTC-02, Karachi Central in respect of FIR No.427 of 2023 U/s. 147/149/324/506-B PPC registered at PS Hyderi Market, Karachi. He applied for pre-arrest bail which was declined vide order dated 13.10.2023, hence he has now approached this Court for pre-arrest bail.

2. Brief facts of the case are that the complainant Muhammad Tariq Khan Abbasi recorded his statement on 12.09.2023 that at about 05:00 p.m. the applicant and co-accused parked their vehicles in the street and blocked the same. The complainant told them that the vehicles were parked unlawfully whereupon a scuffle broke out between the applicant and other co-accused in which the complainant received the internal injuries. The guards of the applicant who are also co-accused fired on the complainant and threatened him, hence this FIR has been lodged.

3. No doubt the applicant is named in the FIR, however, his role is that he was involved in a scuffle with the complainant which caused the complainant internal injuries, however, there is no medical certificate to support these injuries. As per FIR the guards of the applicant made fire on the complainant which missed the complainant. It is apparent from the FIR that the offence under section 324 PPC prima-facie concerned the guards who fired on the complainant. The complainant received no injuries. As to the question of whether the applicant is involved in the attempt to murder the complainant, I find this to be a case of further inquiry. It is noted that the other offences for which the applicant has been charged carry a maximum sentence of less than 03 years.

4. Based on the above this discussion, the pre-arrest bail earlier granted to the applicant Danyal Ali Khan S/o. Muzaffar Ali Khan on 19.10.2023 is confirmed on the same terms and conditions.

5. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the outcome of the trial of the applicant which shall be decided by the concerned trial Court on merits based on the evidence placed before it. The trial court is directed to complete the trial within 04 months of the date of this order. Copy of this order shall be sent to VIIth Additional Sessions Judge Central/MCTC-02, Karachi Central for compliance.

6. The instant criminal bail application stands disposed of in the above terms.

JUDGE

M. Arif