

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No.140 of 2024.

Date	Order with Signature of Judge
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1. For order on office objection.
2. For hearing of Bail Application.

25.03.2024.

Mr. Irfan Ali, Advocate along with Applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General Sindh
along with SIP Naveed Akhtar, PS SSHIA.

Muhammad Karim Khan Agha, J. Applicant Muhammad Ali has been booked in crime No.1460 of 2022 u/s. 147/ 148/ 149/427/324 PPC registered at PS SSHIA, Karachi and trial is proceeding before the VIth Additional Sessions Judge Malir Karachi. He applied for pre-arrest bail which was declined by the IIIrd Additional Sessions Judge/MCTC Malir Karachi vide order dated 08.11.2022. Applicant states that he has been falsely implicated in this case due to mala fide intention and he is expecting his imminent arrest at the hands of police. Hence he has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the complainant is a contractor and has started construction over a plot on 18.10.2022 when at about 12:30 hours the applicant and co-accused stopped the construction work and attacked him with Danda claiming that it was there plot in which the complainant was making constructions and took out a pistol and fired upon the complainant, two of the accused hit the complainant on the head with Danda. Thereafter applicant and co-accused escaped from the crime scene. Hence the aforesaid FIR was lodged against the applicant.

3. I have heard the learned counsel for the parties and learned Addl. Prosecutor General Sindh.

4. From the facts of the case as narrated in the FIR it appears that the applicant only played a general rather than a specific role in the attacking on the complainant. Medical Certificate showed that two injuries have been caused and both lead to be offences carrying sentence of a maximum 02 years in jail. No recovery has

been made from the applicant. The general rule is that bail should be granted unless exceptional circumstance exists which justify the refusal of bail. In this case no exceptional circumstance exists. The challan has already been filed and as such the applicant is no longer required for investigation.

5. Based on the above discussion, I find that the applicant has made out a case for pre-arrest bail as such his pre-arrest bail granted earlier by this Court on 22.01.2024 is confirmed on the same terms and conditions.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the case on merits expeditiously. Copy of this order shall be sent VIth Additional Sessions Judge Malir Karachi for compliance.

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

JUDGE