

IN THE HIGH COURT OF SINDH, KARACHI.

Criminal Bail Application No.1904 of 2025

Applicant : Nazim S/O Illahi Bux,
Through Syed Ahmed Ali Shah, Advocate.

Complainant : Khan Muhammad,
Through Syed Naimatullah Shah, Advocate

Respondent : The State
Through Mr. Zahoor Shah,
Additional Prosecutor General, Sindh.

Date of hearing : 08.10.2025.

Date of order : 23.10.2025.

ORDER

MIRAN MUHAMMAD SHAH, J. Through this bail application, applicant/accused above named seeks pre-arrest bail application in Crime in Crime No.239 of 2025 registered at police station Shah Latif Town, Karachi, under Sections 302, 324/324 PPC. Interim pre-arrest bail interim pre-arrest bail was granted to him, by this Court, vide order dated 23.07.2025.

2. The details and particulars of the FIR are already available in the memo of bail application and FIR, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant has submitted that the applicant/accused is innocent and has been falsely implicated by the complainant due to malafide intention and ulterior motives with the collusion of the police; that there is inordinate delay of one day in lodging of alleged FIR; that the PWs are close relatives of the complainant, hence they are interested; that the co-accused, namely, Illahi Bux has already been granted bail; that as per the facts of alleged FIR, no any active role has been assigned to the present applicant/accused, only general allegations are leveled against him; that as per the Challan, Investigating Officer given

findings that the complainant Khan Muhammad and PW Abdul Shakoor in their 161 Cr.P.C. statement stated that the present applicant /accused was armed with pistol but no active role has been assigned, only his mere presence is shown; that the interim challan has been submitted by the Investigating Officer and the applicant/accused is no more required for further investigation; that no any empty has been recovered from the place of incident; that in fact the present applicant/accused and his father namely, Illahi Bux (co-accused) are nek mards of their caste, neither they have any concern with offence nor there is any motive shown in alleged FIR against the present applicant/accused party; that as per the facts of alleged FIR, the co-accused persons called the co-accused, namely, Illahi Bux and waited for long time for their arrival at the place of incident, how is it possible that the co-accused persons remained in shop for such a long time and waited for arrival of the present applicant/accused and others and then they committed the offence, therefore, the false implication cannot be ruled out; that the present applicant / accused is not previously convicted; that order passed by learned Trial Court is based on misreading and non-readings of the material brought before him and is based on deeper appreciation, which has not permissible at bail stage. He lastly submitted that the case of applicant requires further probe; hence, prayed for confirmation of bail.

4. On the other hand, learned counsel for the complainant as well as the learned Additional Prosecutor General, Sindh, vehemently opposed the confirmation of interim pre-arrest bail, on the grounds the applicant/accused is nominated in the FIR with a specific role in the brutal murder of the deceased, Fayyaz Khan, and is also alleged to have inflicted churri-blow injuries on the body of the complainant, Khan Muhammad, and his brother,

Shakoor, as certified under Sections 337-D and 337-F(i) PPC. Therefore, there exists a real apprehension that the applicant/accused may tamper with the prosecution witnesses, if he is allowed to remain on bail, hence they prayed for the re-call of the interim pre-arrest bail earlier granted to the applicant/accused on 23.07.2025.

5. Heard the arguments of learned Counsel for the parties as well as the learned Additional Prosecutor General, Sindh and perused the material available on record. This seems a fit case of family feud where if a mob like situation arises and the incident of murder/injuries occur, all the members of the family are dragged into the feud for malafied reasons and ulterior motives. The entire menfolk of the household are implicated in the case. Herein, similar mob like situation is alleged where at the spur of the moment attack was made upon the complainant party. An old enmity is admitted in the FIR and the allegations are of general nature. No specific role has been assigned to the present applicant accused except general nature allegations. It is alleged in the FIR that 7 persons attacked the complainant party with knives and killed the deceased and injured 2 others. However, it is yet to be determined as to who actually committed the offence. During the investigation, it transpired that there was a major contradiction about the role of the present applicant accused between the complainant's story and the statements under section 161 CRPC narrated by the eye witnesses. The statements under section 161 Cr.P.C. seems like an improved version of the FIR story where the present applicant accused has been attributed the role of carrying a pistol in his hand. Perhaps the pistol has been added in the improved version to make it a good case of section 324 PPC. No any empty had been recovered from the place of the incident. The

challan has already been submitted in this case hence the present applicant accused in no more required for further investigation. This being a case of family feud where for the reasons of ulterior motive, malafide and humiliation of the nominated accused cannot be ruled out which are the essential ingredients for grant of pre arrest bail application. The co accused with a similar role has already been granted bail by this trial court hence the principle of consistency applies. Hence the present applicant accused cannot be kept behind bars indefinitely. He should be allowed to face the trial in a free atmosphere.

7. In the light of the above observations, I am of the view that the present applicant accused has made out the case for pre arrest. Hence, the interim per arrest bail granted earlier wide order dated 23/7/2025 is hereby confirmed on the same terms and conditions. The Applicant is directed to attend the trial. However, it is made clear that if the applicant 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.

9. This bail application stands disposed of in the above terms.

JUDGE

Manthar Brohi.