

PRESENTED ON
27.02.2025

Deputy Registrar 1208

IN THE HIGH COURT OF SINDH AT KARACHI

Bail Appl. No. 536, /2024

Faisal @ Noon
Son of Muhammad Ashraf,
Muslim, adult, R/o Karachi,
Presently confined at
Jail, Karachi-----APPLICANT/ACCUSED

VERSUS

The State-----RESPONDENT

FIR No.564/2024
U/s:147/148/149/395/
436/337-A(ii)/34 PPC
P.S.Korangi.

BAIL APPLICATION
UNDER SECTION 497 Cr.P.C.



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ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No.536 of 2025

Applicant : Faisal @ Noonni son of Muhammad Ashraf
Through M/s. Huma Farooqui and Tabassum
Hashmat, advocates for Applicant/accused.

Respondent : The State
Through Mr. M. Raza, Dy. Prosecutor General

Date of Hearing : 12.03.2025

Date of Order : 21.03.2025.

ORDER.

Jan Ali Junejo, J.— The present Criminal Bail Application has been filed on behalf of the Applicant/Accused, who is seeking post-arrest bail in connection with a case stemming from FIR No.564 of 2024, registered at P.S. Korangi, Karachi, under Sections 147/148/149/395/436/337-A(ii)/34, PPC. The Applicant/Accused initially approached the learned Sessions Court by filing Bail Application No.6391 of 2024, which was subsequently dismissed by the Court of the learned XIth Additional Sessions Judge, Karachi-East, vide Order dated 15-01-2025.

2. The facts relevant to the present criminal bail application are as follows:

"On October 1, 2024, at approximately 1400 hours, Mr. Rafiq Qureshi, along with his friends Kashif, Salman, and Ashraf, went to a hotel in Zia Colony, Sector A/32, Bangali Para, for a meal. While they were eating, a group of 15-20 individuals, including named suspects Saeed Dada, Javed Bangali, Danu Bangali, Liaquat Sindhi, and his four sons (Ahmed Raza, Muhammad Aslam, Asad, and Noni alias Faisal), attacked them with weapons, rods, and iron rods. The assault caused severe injuries to Rafiq Qureshi and his friends, both internally and externally.

During the attack, the assailants forcibly took Rs. 50,000 in cash and a Redmi Touch mobile phone valued at Rs. 120,000 from Rafiq Qureshi. They also burned his Honda 125 motorcycle (KPW-1328) and a Chinese 70cc motorcycle. Rafiq and his friends managed to escape and called the 15 helpline for assistance. They reported the incident at the police station and obtained a medico-legal (ML) letter for treatment at Jinnah Hospital. Rafiq Qureshi has filed a complaint against the identified suspects and other unknown



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persons for the commission of the offense, seeking legal action. The FIR was recorded under Section 154 Cr.P.C. on October 2, 2024, at approximately 0010 hours."

5. The learned counsel for the Applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the case due to the malafide intentions and ulterior motives of the complainant and the police. He further contends that the applicant is a juvenile, aged about 17 years, and is entitled to bail under the Juvenile Justice System. He argues that the trial judge passed the impugned order without applying judicial mind, resulting from misreading and non-reading of the facts. He further contends that the co-accused, Saeed Noor, has already been granted bail by this Hon'ble Court, and the rule of consistency entitles the applicant to the same concession. He asserts that the applicant was not arrested from the spot but from his shop, and his family members and others are eyewitnesses to this act of the police. He contends that the FIR was lodged more than 10 hours after the incident, casting serious doubt on its authenticity, and the interim challan submitted by the IO indicates that the applicant is not directly involved in the incident. He further contends that no recovery was made from the applicant, and the alleged recovery has been foisted upon him without evidence. He argues that the applicant was busy with his elder brother's marriage ceremonies and other family events during the incident, making his involvement impossible. He contends that the complainant has failed to describe the specific role of the applicant, and the case requires further inquiry. He further contends that the entire story is false and fabricated, and even a single doubt at the bail stage favors the accused. He asserts that the applicant is a law-abiding citizen with no criminal record, and there is no risk of him absconding or tampering with evidence if released on bail. In light of the above arguments and case laws, he prays that this Honorable Court may be pleased to grant bail to the applicant in the interest of justice.



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4. The learned Deputy Prosecutor General (DPG) opposed the bail application and argued that the applicant is directly involved in a serious offense involving violence, weapon use, and property damage, and his release on bail would jeopardize public safety. He further contends that the complainant has objected to the grant of bail, emphasizing the gravity of the offense and the need for a thorough investigation. He argues that the applicant's age does not negate the seriousness of the crime, and the Juvenile Justice System does not automatically entitle him to bail in such cases. He contends that the trial judge's order was based on a proper assessment of the facts, and there is no evidence of misreading or non-reading. He further contends that the bail granted to the co-accused does not establish a precedent for the applicant, as each case must be evaluated on its own merits. He argues that the applicant's arrest from his shop does not exonerate him, and the timing of the FIR does not diminish the credibility of the complaint. He contends that the interim challan does not absolve the applicant, as further investigation may reveal his involvement. He further contends that the applicant's alibi regarding family events is unverified and does not disprove his participation in the incident. He argues that the complainant's failure to specify the applicant's role does not weaken the case, as the collective involvement of the accused is evident. He contends that the case does not require further inquiry, as the evidence against the applicant is substantial. He further contends that the applicant's release on bail poses a risk of witness intimidation and evidence tampering, given the serious nature of the offense. He asserts that the applicant's clean record does not outweigh the need to ensure justice for the victims and maintain public order. Lastly, he prayed that the bail application should be dismissed in the interest of justice.



5. I have given due consideration to the arguments advanced by the learned counsel for the applicant/accused, as well as the learned Deputy

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Prosecutor General. Furthermore, I have meticulously examined the material available on record with utmost care and judicial prudence. After carefully considering the arguments advanced by both sides and meticulously examining the material available on record, this Court finds that the Complainant has not specified which of the accused was armed with which weapon or assigned a specific role in causing injuries or setting the motorcycle ablaze. The lack of specific allegations against the Applicant raises serious doubts about his involvement in the alleged offense. Furthermore, the case against the Applicant requires further inquiry within the meaning of Section 497(2), Cr.P.C., as the evidence presented is not sufficient to conclusively establish his guilt at this stage. The principle of consistency also supports the grant of bail, as the co-accused, Saeed Noor, has already been granted bail by this Court. Under analogous circumstances, the Honourable Supreme Court of Pakistan extended the concession of bail to the accused, invoking the principle of rule of consistency in light of the doctrine of parity, as enunciated in the case of *Mst. Ishrat Bibi v. The State through Prosecutor General Punjab and another* (2024 SCMR 1528). It is observed by the Apex Court that: "The rule of consistency, or in other words, the doctrine of parity in criminal cases, including bail matters, recapitulates that where the incriminated and ascribed role to the accused is one and the same as that of the co-accused then the benefit extended to one accused should be extended to the co-accused also, on the principle that like cases should be treated alike, but after accurate evaluation and assessment of the co-offenders' role in the commission of the alleged offence. While applying the doctrine of parity in bail matters, the Court is obligated to concentrate on the constituents of the role assigned to the accused and then decide whether a case for the grant of bail on the standard of parity or rule of consistency is made out or not".



6. For the reasons outlined above, the current bail application submitted on behalf of the applicant/accused is granted as prayed. The applicant/accused is hereby granted bail on the condition that he furnishes a solvent surety of Rs.100,000 (Rupees One Hundred Thousand) to the satisfaction of the learned trial Court, along with a P.R. bond for the same amount. The observations made in this Order are limited to the adjudication of this bail application and will not affect the rights of either party during the trial. These are the reasons for the short Order dated: 12-03-2025.



[Signature]
JUDGE

THE HIGH COURT OF SINDH, KARACHI
CERTIFIED TO BE TRUE COPY

[Signature]
(MUHAMMAD SARFARAZ)
I.C. / ASSISTANT REGISTRAR (COPYING)

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