

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Application No.901 of 2026**

Applicant : Ibrahim son of Hassan, Through  
Mr. Asadullah Burdi, advocate

Complainant : Sanot Chutto, Through: Mr. Saifullah  
Baloch, advocate

The State : The State through Ms. Seema Zaidi,  
Additional Prosecutor General,  
Sindh along with SIP-Muhammad  
Nawaz Rind

Date of hearing : 29.04.2026

Date of Order : 29.04.2026

## **O R D E R**

**Jan Ali Junejo, J:-** Through this Criminal Bail Application under Section 497 Cr.P.C., the applicant/accused Ibrahim son of Hassan has sought post-arrest bail in FIR No.133 of 2026 registered under Sections 324/34 PPC at Police Station Gadap City, District Malir, Karachi. The applicant has challenged the order dated 12.03.2026 passed by the learned VIIIth Additional District & Sessions Judge, Karachi Malir, whereby his post-arrest bail application bearing Cr. Bail Application No.1519 of 2026 was dismissed.

2. Briefly stated, the prosecution case as disclosed in the FIR is that complainant Sanot Chutto lodged the instant FIR on 27.02.2026 alleging therein that due to an ongoing land dispute between the parties, threats had previously been extended to them. On 26.02.2026 at about 05:40 p.m., when the complainant along with his relative Gul Sher was returning from land towards his house near Sultan Shah Sherazi Dargah, Deh Wankand, Gadap Town, four persons

riding on two motorcycles intercepted them. Out of them, the complainant identified co-accused Hamza and present applicant Ibrahim, who allegedly abused and threatened them to withdraw from the land dispute. Thereafter, hot words were exchanged and both accused persons allegedly assaulted the complainant with fists and punches, while co-accused Hamza allegedly took out a pistol and fired a shot which hit the complainant on his hand, causing injury, whereafter the accused persons fled away from the spot. Consequently, the present FIR came to be registered under Sections 324/34 PPC.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated owing to previous enmity and an admitted civil land dispute between the parties. He argued that the FIR was lodged with unexplained delay, which renders the prosecution case doubtful. He further contended that no specific role of firing has been assigned to the present applicant, as the allegation of causing firearm injury has specifically been attributed to co-accused Hamza. He also submitted that no injury on any vital part of the complainant's body has been attributed to the applicant, inasmuch as the alleged injury was caused on the hand of the complainant. Learned counsel further argued that the case falls within the ambit of further inquiry under Section 497(2), Cr.P.C., particularly when the investigation has already been completed and the applicant is no longer required for custodial interrogation. Lastly, he prayed for grant of post-arrest bail to the applicant.

4. Conversely, learned counsel for the complainant opposed the grant of bail and contended that the applicant has specifically been nominated in the FIR with active participation in the occurrence. He argued that the

complainant is an injured witness whose presence at the place of incident is beyond dispute and whose version is fully corroborated by the medical evidence. He further contended that sufficient incriminating material is available on record connecting the applicant with the commission of the offence and that no case of further inquiry is made out. He, therefore, prayed for dismissal of the bail application.

5. Learned Additional Prosecutor General, while adopting the arguments advanced by the learned counsel for the complainant, further submitted that the offence under Section 324, P.P.C. falls within the prohibitory clause of Section 497, Cr.P.C.; therefore, the applicant is not entitled to the concession of bail. He maintained that the material collected during investigation prima facie connects the applicant with the commission of the offence and justified his continued detention. Accordingly, he also prayed for dismissal of the bail application.

6. I have heard learned counsel for the parties and have carefully examined the material available on record. Tentative assessment of the record reflects that though the applicant has been nominated in the FIR, however, the specific allegation of causing firearm injury has been assigned to co-accused Hamza alone. So far as present applicant Ibrahim is concerned, the allegation attributed to him is limited to causing fists and punches to the complainant. Prima facie, no overt act of firing has directly been assigned to the present applicant.

7. It is also an admitted position emerging from the FIR itself that there exists an ongoing land dispute between the parties. The admitted background of civil dispute between the parties creates

possibility of false implication and mala fide, which aspect requires deeper appreciation of evidence at trial. At this stage, such circumstance brings the case within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C.

8. Further tentative assessment of the material available on record shows that no fatal injury on any vital part of the body of the complainant/injured has been attributed to the present applicant. The alleged firearm injury is stated to be on the hand of the complainant and even that injury has specifically been attributed to co-accused Hamza. The liability of the present applicant on the basis of common intention under Section 34 PPC would require deeper appreciation of evidence, which can only be undertaken during trial after recording evidence of the parties. Reliance is placed on the principle laid down by the Honourable Supreme Court in case of *Ali Raza v. The State and others (2022 SCMR 1245)*, wherein it was observed that: *"It is also an admitted position that the petitioner fired only single shot at the non-vital part i.e. wrist of the injured PWV and had not repeated the same despite having ample opportunity to do so, which shows that perhaps the petitioner had no intention to kill the injured PWV"*. Reference may also be made to the principle enunciated by the Honourable Supreme Court of Pakistan in the case of *Jamaluddin and another v. The State (2023 SCMR 1243)* wherein it was held that: *"The complainant and the injured PWV received injuries on the non-vital parts of the body and the petitioners did not repeat the fire despite having ample opportunity to do so. In this view of the matter, the question whether section 324, P.P.C. would be applicable in the case or not would be*

*determined by the learned Trial Court after recording of evidence. As far as the question which requires the attention of this Court is that petitioner Jamaluddin has been granted ad interim pre-arrest bail by this Court whereas the other petitioner Rabail has filed petition claiming post-arrest bail. As far as the principle enunciated by this Court regarding the consideration for grant of pre-arrest bail and post-arrest bail are entirely on different footings is concerned, we have noticed that in this case both the petitioners are ascribed the same role. For the sake of arguments if it is assumed that the petitioner enjoying ad interim pre-arrest bail is declined the relief on the ground that the considerations for pre-arrest bail are different and the other is granted post-arrest bail on merits, then the same would be only limited upto the arrest of the petitioner Jamaluddin because of the reason that soon after his arrest he would be entitled for the concession of post-arrest bail on the plea of consistency". The underlining is supplied.*

9. It may further be observed that there is delay in lodging the FIR for which no satisfactory explanation is available on record except medical treatment. Moreover, investigation in the matter has already been completed and the applicant is no more required for custodial interrogation. Nothing has been brought on record showing that in case of grant of bail, the applicant is likely to abscond or tamper with prosecution evidence.

10. It is settled law that deeper appreciation of evidence is not permissible at bail stage and where a case calls for further inquiry into the guilt of accused person, concession of bail is to be extended.

The grant of bail is a rule and refusal is an exception, particularly where the case requires tentative assessment and further probe.

11. For the foregoing reasons, without delving deeper into the prosecution evidence, I am of the tentative view that the case of the present applicant falls within the ambit of further inquiry under Section 497(2) Cr.P.C. Consequently, this Criminal Bail Application is allowed and applicant/accused Ibrahim son of Hassan is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court. The observations made herein are purely tentative in nature and confined solely to the disposal of the instant bail application; therefore, the same shall neither prejudice the case of either party nor influence the learned trial Court while recording evidence and deciding the matter strictly on its own merits. These are the detailed reasons for the Short Order dated 29-04-2026.

**JUDGE**