

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.2441 of 2025

Applicants : i. Khalid Hussain Shar son of Ghulam Akbar Shar
ii. Majid son of Ghulam Akbar Shar
iii. Ihsan Ahmed son of Ali Muhammad
iv. Hamid Hussain son of Ghulam Akbar
Through M/S Haseeb Jamali and Athar Maqsood, Advocates

Respondent : The State
Through Mr. Zahoor Ahmed Shah, APG

Date of hearing : 23.04.2026
Date of order : 23.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through captioned criminal bail application, applicants Khalid Hussain Shar s/o Ghulam Akbar Shar, Majid s/o Ghulam Akbar Shar, Ihsan Ahmed s/o Ali Muhammad and Hamid Hussain s/o Ghulam Akbar, seek pre-arrest bail in Crime No.715 of 2025, registered at P.S Malir City, for the offence punishable under Sections 324, 419, 109 and 34 PPC. They were granted interim pre-arrest bail by this court on 18.09.2025, which is now fixed for confirmation or otherwise.

2. The facts of the case are need not to be reproduce herein, as the copy of FIR is attached with the bail application and the facts are also stated in detail therein.

3. Heard learned counsel for the applicants and learned APG as well as perused the record. However, despite notices none is appearing for the complainant since filing of this application i.e. September 2025.

4. From the facts brought before this Court, it appears that although Section 324 PPC has been inserted in the case, yet the essential ingredients of the said offence are not prima facie attracted. Section 419 PPC carries

punishment up to seven years and does not fall within the prohibitory clause. The complainant himself has admitted enmity with the applicants in the FIR, and it has further been brought on record that other FIRs are also pending between the parties; therefore, mala fide and ulterior motive on the part of the complainant cannot be ruled out. Learned Prosecutor after going through the police papers has also submitted that no medical examination was conducted despite the allegation of injuries, while the Investigating Officer has reported that the complainant himself refused medical examination. This circumstance prima facie casts doubt upon the prosecution story. It appears that Section 324 PPC has been added only to aggravate the nature of the offence, whereas the actual applicability of the said provision is a matter to be determined at trial, particularly when no medical certificate of the injured is available on record. There is nothing on record to suggest that the applicants have misused the concession of interim pre-arrest bail granted to them. In these circumstances, the applicants have made out a case for confirmation of pre-arrest bail. Consequently, the interim pre-arrest bail granted to them vide order dated 18.09.2025 is hereby confirmed on the same terms and conditions.

5. Needless to mention here that the observation made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicants on merits. However, in case the applicant misuses the concession of bail in any manner, the trial court shall be at liberty to cancel the same after giving him notice, in accordance with the law.

Criminal bail application stands disposed of.

JUDGE

