

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2644 of 2025

Applicant : Muhammad Faizan Khan son of Muhammad Akhter Khan through Ms. Mariyam Channa, Advocate.

Complainant : Through Mr. Azam Khan, Advocate.

Respondent : The State through Ms. Rubina Qadir, Addl. P. G. Sindh.

Date of Hearing : 13.02.2026

Date of Order : 13.02.2026

ORDER

TASNEEM SULTANA, J:-- Through this Criminal Bail Application, the applicant Muhammad Faizan Khan seeks pre-arrest bail in Crime No.367 of 2025 registered at Police Station Pakistan Bazar, District West Karachi under Sections 337-H(ii), 506-B, 504 read with 324, P.P.C. Earlier his bail before arrest application No.3482 of 2025 was declined by the learned Additional Sessions Judge-XI, West Karachi vide order dated 26-09-2025. Hence, this application for the same concession.

2. The brief facts of the prosecution case are that the complainant Muhammad Babar, who is serving in the R.R.F. as a Naval Police official, stated that on 11-07-2025 he was present at his house situated in Police Quarters, Pakistan Bazar. At that time the present applicant/accused Muhammad Faizan was allegedly sitting with his friend on the roof of house bearing No. CP-2494 and was using abusive language. Upon hearing this, the complainant's elder brother Muhammad Shakir Ali came outside and questioned the applicant as to why he was using such language. It is alleged that the applicant became annoyed and extended threats by saying that since a "kiyari" had been made outside the house he would kill them. Thereafter, he allegedly used abusive language and issued threats of dire consequences; took out a pistol from the fold of his shalwar and fired upon

the complainant party. According to the complainant, one shot hit the wall while another missed, whereafter the applicant allegedly went away while continuing to extend threats, leading to registration of the present FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated; that the dispute between the parties relates to a neighbourhood issue concerning construction of a kiyari and sewerage water; that even according to the FIR the alleged firing did not cause any injury to the complainant or any other person; that the case at best reflects ineffective firing and the question whether the ingredients of Section 324, P.P.C. are attracted would require determination at trial; and that the applicant is therefore entitled to the concession of pre-arrest bail.

4. Learned Additional Prosecutor General, assisted by learned counsel for the complainant, opposed the concession of pre-arrest bail and contended that the applicant is specifically nominated in the FIR with the allegation of firing; that the act attributed to the applicant constitutes a serious offence; and that the applicant does not deserve the extraordinary relief of pre-arrest bail.

5. Heard. Record perused.

6. A careful examination of the record reflects that the parties are residing in the same police residential quarters, and the occurrence appears to have arisen in the background of a neighbourhood dispute relating to construction of a kiyari and sewerage water. The circumstances narrated in the FIR prima facie suggest that the incident appears to have emanated from a sudden altercation between neighbours rather than from any pre-planned design. The allegation against the applicant is that he took out a pistol and resorted to firing towards the complainant party; however, even according to the prosecution case the alleged shot hit the wall while another shot missed and no injury whatsoever was caused to any person. The material placed on record therefore reflects a case of ineffective firing. In such circumstances, the question whether the alleged act attracts the ingredients of Section 324, P.P.C., particularly the existence of intention or knowledge contemplated under the said provision, would require deeper appreciation of evidence and examination of surrounding circumstances. Likewise, the nature and applicability of the offence under Section 337-H(ii), P.P.C., would also depend upon evidence to be recorded before the learned trial Court. These aspects cannot be conclusively determined at this stage.

7. It is well settled that pre-arrest bail is an extraordinary relief meant to protect a person from abuse of the process of law and unjustified humiliation

through arrest. In the case of ***Rana Muhammad Arshad v. Muhammad Rafique (PLD 2009 SC 427)*** the Hon'ble Supreme Court has held that such relief may be extended where the circumstances indicate that arrest of the accused would serve no useful purpose, and the matter requires determination after full-fledged trial. Considering the principles enunciated by the Hon'ble Supreme Court in the case of ***Sheikh Abdul Raheem v. The State (2021 SCMR 822)*** and ***Riaz Jafar Natiq v. Muhammad Nadeem Dar and others (2011 SCMR 1708)***, no exceptional or extraordinary circumstances have been pointed out which would justify denial of the relief sought. In these circumstances, I am of the tentative opinion that the applicant has been able to make out a case for confirmation of interim pre-arrest bail. Consequently, the interim pre-arrest bail granted to the applicant vide order dated 03-10-2025 is hereby confirmed on the same terms and conditions.

8. These are the reasons for the short order dated 13-02-2026 whereby the interim pre-arrest bail granted to the applicant was confirmed.

JUDGE

Nadeem