

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 94 of 2026

Applicant : Abdul Salam through Mr. Ahmed Niazi,
Advocate.

Respondent : The State through Mr. Qamaruddin Nohri,
D.P.G. Sindh

Date of hearing : 18.3.2026.

Date of order : 18.3.2026.

ORDER

TASNEEM SULTANA-J.- Through this Criminal Bail Application, the applicant Abdul Salam seeks post-arrest bail in FIR No.1453/2025 registered under Sections 320/322/427 P.P.C. at Police Station Korangi Industrial Area, Karachi. His earlier post-arrest bail application bearing Criminal Bail Application No.6245 of 2025 was dismissed by the learned Additional District & Sessions Judge-I, Karachi East, vide order dated 07.01.2026; hence, this application for the same concession.

2. Brief facts of the prosecution case, are that on 25.11.2025, the complainant Aleemuddin received information from his daughter that her husband, namely Muhammad Nasir Ansari, had met with an accident and had been shifted to Jinnah Hospital, where he later succumbed to injuries. Upon reaching the hospital, he was informed by police officials that the deceased was riding motorcycle No.KGP-9116 near Qayyumabad Circle, opposite Imtiaz Super Market, Korangi Industrial Area, when a bus bearing No.JE-2516, allegedly driven by the present applicant Abdul Salam in a rash and negligent manner, struck the motorcycle, resulting in his death. The driver was apprehended at the spot, leading to the present FIR .

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated with mala fide and ulterior motives; that the occurrence was an unfortunate road accident arising out of traffic conditions, which has been given a colour of criminal negligence without sufficient material; that it is yet to be determined at trial, after recording of evidence, as to whether the applicant was driving rashly or negligently so as to attract penal liability; that no previous enmity or motive is alleged against the applicant; that Section 322 P.P.C. has been applied, which entails only payment of Diyat and does not fall

within the prohibitory clause of Section 497 Cr.P.C.; thus, the matter calls for further inquiry and the applicant is entitled to the concession of bail.

4. Conversely, learned Deputy Prosecutor General for the State opposed the application and submitted that the applicant is nominated in the FIR with a specific role; that he was apprehended at the spot and the vehicle in question was taken into custody; that sufficient material is available on record which connects the applicant with the commission of the offence; therefore, the applicant is not entitled to the concession of bail.

5. Heard. Record perused.

6. On tentative assessment, the allegations against the applicant are that he was driving the vehicle in question which struck the motorcycle of the deceased, resulting in his death. It further appears that the applicant was apprehended at the spot and the vehicle in question was taken into custody, which prima facie connects him with the occurrence. Moreover, the material collected during investigation reflects that the applicant was allegedly driving a heavy transport vehicle while holding a licence for light motor vehicle, which, prima facie, indicates lack of lawful authorization and requisite competence to operate such vehicle and bears directly upon the manner of driving, thereby lending support to the allegation of rash and negligent driving. Reliance is placed on the case of *Muhammad Sarfraz Ansari v. The State and others* (PLD 2021 SC 738), wherein it has been held that at the stage of bail, the Court is not required to undertake a deeper appreciation of evidence; however, the material available on record is to be examined to ascertain whether there exist reasonable grounds to believe that the accused is connected with the commission of the alleged offence.

7. So far as the contention of learned counsel for the applicant is concerned that Section 322 P.P.C. has been applied, which entails only payment of Diyat and does not fall within the prohibitory clause of Section 497 Cr.P.C., therefore the case calls for further inquiry, the same has been considered. It is settled that the concept of further inquiry is not to be applied mechanically; rather, it must have nexus with the tentative assessment of the material available on record, which may create doubt regarding the involvement of the accused.

8. To appreciate the aforesaid contention, it may be observed that the determination as to whether the case ultimately falls within the ambit of Section 322 P.P.C. or any other penal provision is a matter to be adjudicated by the learned trial Court after recording evidence; therefore, no conclusive finding can be rendered at this stage. Mere applicability of Section 322 P.P.C., by itself, does not bring the case within the ambit of further inquiry unless the material available on record creates doubt regarding the involvement of the applicant. In the present case, the material so far collected does not create any such doubt. In this regard,

I am fortified by the judgment of the Honourable Supreme Court in ***Majid Naeem v. The State (2011 SCMR 1227)***, wherein despite applicability of Section 322 P.P.C., bail was declined.

9. In view of the above discussion, I am of the tentative opinion that sufficient material is available on record which reasonably connects the applicant with the commission of the alleged offence and the case does not fall within the ambit of further inquiry under Section 497(2) Cr.P.C. Consequently, the instant bail application is dismissed.

10. The observations made herein are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE

Nadeem