

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2481 of 2025

Applicant : Iqbal Bala through Ms. Samina Nazar,
Advocate

Respondents: The State through Mr. Muhammad Noonari,
Deputy Prosecutor General Sindh.

Date of hearing: 24.02.2026

Date of Order: 24.02.2026

ORDER

TASNEEM SULTANA, J.— Through this Criminal Bail Application, the applicant seeks pre-arrest bail in Crime No.314 of 2025 registered under Sections 324, 34 PPC at Police Station Brigade, Karachi East. Earlier, his bail before arrest application bearing No.3720 of 2025 was declined by the learned Vth Additional Sessions Judge/MCTC, Karachi East vide order dated 19.09.2025; hence, the instant application for the same concession.

2. Brief facts of the prosecution case are that the complainant Zohaib reported that on 01.08.2025 at about 01:30 a.m., while standing outside his house situated behind Jacob Line near Usmania Masjid, Karachi, he heard noise of commotion and fighting on the road. He went towards the place of occurrence and saw his cousin Azeem being beaten by the present applicant along with co-accused. When he intervened to stop the quarrel, the present applicant allegedly made a firearm shot which hit him on his right knee, as a result whereof he sustained firearm injury and fell down. The co-accused also inflicted butt blows upon Azeem and subjected physical assault to his companions namely Nadeem and Anshal. Thereafter, the injured were assisted by locality people and the complainant went to the police station where his statement was recorded and FIR was registered.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to previous enmity and political rivalry; that the injury attributed to the applicant is self-inflicted; that the allegation is confined to a single firearm injury on a non-vital part of the body; that medical evidence does not declare the injury as grievous or life-threatening; and that the CDR record collected during investigation reflects that the applicant was not present at the place of occurrence.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposed the application and contended that

the applicant has been attributed a role of causing firearm injury; that the injured witness has supported the prosecution case; and that the medical evidence corroborates the ocular account.

5. Heard. Record perused.

6. Perusal of record reflects that the allegation against the present applicant is that during a quarrel between the complainant's cousin and the co-accused, upon intervention by the complainant, the applicant allegedly made a firearm shot which hit the complainant, causing him firearm injury. It further appears from the record that the allegation against the applicant pertains to a single firearm injury on a non-vital part of the body and the plea of self-infliction has also been raised. Medical record, including the Medico-Legal Certificate, prima facie confirms that the complainant sustained one firearm injury; however, the injury is localized on the lower limb and not on any vital part of the body, and the nature of injury has been opined as hurt. It is not the case of the prosecution that repeated firing was made or that multiple firearm injuries were inflicted. Whether such single injury on a non-vital part establishes the requisite intention contemplated under Section 324 PPC; whether the seat, dimension and trajectory of the injury correspond with the ocular account; and whether the injury was self-suffered or caused in the manner alleged, are questions which require careful scrutiny of medical as well as ocular evidence and are to be determined by the learned trial Court after recording evidence.

7. It further appears from the investigation record that the CDR analysis obtained during investigation does not show the mobile location attributed to the applicant at or near the place of incident at the relevant time. Though such electronic evidence is not conclusive of physical absence and requires formal proof through technical evidence, yet the apparent inconsistency between the ocular account and the electronic record introduces a prima facie doubt regarding the presence of the applicant at the scene and calls for adjudication at trial.

8. In the cumulative circumstances, when the allegation is confined to a single firearm injury on a non-vital part of the body; the nature of injury is opined as hurt; the plea of self-infliction has been raised; and the electronic record reflects location inconsistency, the matter, at least to the extent of presence of the applicant and authorship of the injury, falls within the ambit of further inquiry as envisaged under Section 497(2) Cr.P.C.

9. In view of the above circumstances, the applicant has made out a case for confirmation of pre-arrest bail. Consequently, the instant pre-arrest

bail application is allowed and the interim pre-arrest bail granted to the applicant vide order dated 22-09-2025 is hereby confirmed on the same terms and conditions.

10. The observations made herein are tentative in nature and shall not prejudice the case of either party at the trial. These are the reasons for the short order dated 24-02-2026.

JUDGE

Nadeem