

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2433 of 2026

Applicant : Gulfam Hussain son of Gulzar Hussain through Syed Sher Shah, Advocate

Complainant : Rizwan Khan son of Manthar Ali Hakro through Mr. Bahadur Khan Khattak, Advocate

The State : Through Ms. Najma Latif Golo, Assistant Prosecutor General, Sindh

Date of hearing : 29.09.2026

Date of decision : 29.09.2026

ORDER

Jan Ali Junejo, J.- Through this Criminal Bail Application, Applicant-Gulfam Hussain son of Gulzar Hussain, seeks post-arrest bail in Crime No.589 of 2026, registered at Police Station Shah Latif Town, Karachi, under Sections 324, 337-A(i) and 337-F(ii), P.P.C. Earlier, the Applicant's bail application was declined by the learned III-Additional Sessions Judge, Malir, Karachi, *vide* Order dated 16.07.2026.

2. The brief facts of the prosecution case, as reflected from the FIR, are that the complainant is a labourer and resides with his family. According to the Complainant, Applicant, namely, Gulfam son of Gulzar Ali, belongs to the same village and resides in the vicinity. It is alleged that before and after Eid, the Applicant brought a woman to his house, which was objected to by the Complainant party. The matter was thereafter settled through intervention of elders of the neighbourhood. Subsequently, on 27.03.2026, the Applicant allegedly called the Complainant's brother, namely, Saeed Ahmed, outside and forcibly took him towards his house, where he assaulted him with a knife, causing stab injuries to his neck and abdomen. Upon raising an alarm by Saeed Ahmed, the Complainant and his brother Ejaz came outside and allegedly found Saeed Ahmed lying in an injured condition, while the Applicant was holding a knife. It is further alleged that the Applicant also inflicted knife injuries upon the Complainant and his brother Ejaz. The injured persons were taken for medical treatment, while Saeed Ahmed was shifted to the Trauma Centre, Civil Hospital, Karachi, for further treatment. Consequently, the FIR was lodged against the Applicant for allegedly attempting to cause the death of the complainant, Ejaz and Saeed Ahmed by means of a knife.

3. Learned Counsel for the Applicant contended that the Applicant is innocent and has been falsely implicated in the present case due to mala fide on the part of the Complainant party. It was argued that there was a pre-existing dispute between the parties arising out of the objection raised by the Complainant party regarding the presence of a woman at the applicant's house and that the intervention of neighbourhood elders demonstrates the existence of previous hostility, which, according to learned Counsel, furnished a motive for false implication. It was further contended that the Applicant himself sustained injuries during the occurrence and was taken to a hospital for medical treatment; however, the police deliberately concealed his medical record and failed to reflect his injuries in the challan. Learned Counsel further argued that the prosecution story is unnatural and contrary to the ordinary course of human conduct. He also pointed out that the FIR was lodged after a delay of two days, for which, no satisfactory explanation was furnished. On these grounds, learned Counsel prayed for grant of post-arrest bail.

4. Conversely, learned Assistant Prosecutor General, Sindh assisted by learned Counsel for the Complainant, opposed the bail application. It was contended that the Applicant is specifically nominated in the FIR and a specific role has been attributed to him in causing knife injuries to all three injured persons. It was further submitted that the ocular account is supported by the medical evidence and that no circumstance giving rise to the question of further inquiry is available on the record. Learned Counsels, therefore, prayed for dismissal of the bail application.

5. I have heard the learned Counsel for the parties and have carefully examined the available record. At the bail stage, the Court is required to make a tentative assessment of the material available on record and is not expected to conduct a deeper appreciation of evidence, which is the domain of the trial Court.

6. In the present case, the applicant is specifically nominated in the FIR and a clear and specific role has been attributed to him. It is alleged that he caused knife injuries to Saeed Ahmed, particularly on his neck and abdomen, and thereafter, when the complainant and his brother Ejaz intervened, the applicant also caused knife injuries to them. The complainant himself is an eye-witness of the occurrence, while the injured persons also constitute material witnesses to the incident. Thus, the ocular account available on record directly connects the applicant with the occurrence.

7. So far as the objection regarding delay in registration of the FIR is concerned, the record indicates that the occurrence took place on 27.03.2026, whereas the FIR was registered on 29.03.2026. However, the police papers show that the injured persons approached the concerned police station and were referred for medical examination on the date of occurrence itself. They were examined by the Medical Officer on the same day. In these circumstances, the mere fact that the formal FIR was registered two days after the occurrence does not, at this tentative stage, create a circumstance sufficient to discard the otherwise direct ocular account, particularly when the medical record contemporaneously establishes that the injured persons had sustained injuries and had sought medical treatment.

8. The medical evidence, prima facie, lends corroboration to the ocular version. The medical record pertaining to the injured persons reflects the nature and location of the injuries. The record concerning Saeed Ahmed indicates that he was in a critical condition and had sustained stab injuries, including injuries to the relevant parts of his body, for which he was treated at the hospital. Likewise, the medical examination of injured Ejaz reflects two incised wounds, though described as skin-deep and bleeding. The medical evidence, therefore, is not inconsistent with the allegation that sharp-edged weapon injuries were caused during the occurrence.

9. The prosecution has further placed on record the statements of private witnesses recorded under Section 161, Cr.P.C., including Mohammad Tariq, which, at this stage, support the prosecution case and connect the applicant with the occurrence. The evidentiary worth of such statements shall, of course, be assessed by the learned trial Court after recording of evidence; however, for purposes of bail, the same cannot be altogether ignored.

10. The contention that the applicant himself sustained injuries during the occurrence has also been considered. Mere existence of injuries on an accused does not, by itself, establish his innocence or render the prosecution case doubtful. The circumstances in which such injuries were sustained, their nature, and their evidentiary effect are matters requiring determination upon evidence. At the present stage, the alleged injuries of the applicant do not sufficiently dislodge the specific ocular account supported by the medical evidence available against him.

11. Likewise, the alleged previous dispute between the parties has been taken into consideration. While the existence of prior hostility may be

examined by the trial Court in the context of the entire evidence, it does not, at this stage, automatically establish false implication, particularly where the applicant is specifically nominated, a specific role has been attributed to him, and the prosecution version receives prima facie support from the medical record.

12. The material available on record, therefore, prima facie establishes a direct nexus between the applicant and the occurrence. The nature and location of the injuries, the specific role attributed to the applicant, the ocular account of the complainant and injured witnesses, and the supporting medical material collectively provide reasonable grounds for believing that the applicant is connected with the commission of the alleged offences. The tentative assessment of the record does not bring the case within the ambit of further inquiry contemplated under Section 497(2), Cr.P.C.

13. In view of the foregoing discussion, I find no sufficient ground for extending the concession of post-arrest bail to the applicant. The bail application is accordingly dismissed.

14. It is clarified that the observations made herein are tentative in nature and are confined strictly to the determination of the present bail application. Nothing contained in this order shall prejudice the case of either party or influence the learned trial Court in deciding the matter on merits after recording and appreciating the evidence in accordance with law.

JUDGE

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