IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2799 of 2026

Applicant	:	Sarfaraz Ali son of Shabbir Hussain Through Mr. Abdul Basit, Advocate
Respondent	:	The State *Through* Mr. Qamaruddin Nohri, Assistant Prosecutor General Sindh.
Date of hearing	:	02.11.2026
Date of Order	:	02.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. – Applicant Sarfraz Ali seeks post-arrest bail in a case bearing Crime No.291/2026, registered at Police Station Aziz Bhatti, Karachi, for offence under section 324, PPC, subsequently read with sections 109, 337-F(i), 337-F(ii) and 34, PPC, following rejection of his earlier application by the learned XII-Additional District and Sessions Judge, Karachi East, on 25.07.2026.

2. Learned counsel for the applicant contended that the occurrence emanated from a sudden altercation; that the injuries sustained by the complainant were confined to non-vital parts of the body; and that the essential ingredients of section 324, PPC, were not prima facie established. He further referred to the two-day delay in registration of the FIR and completion of investigation. Learned APG opposed the application, relying upon the applicant's specific nomination, medical corroboration and alleged recovery of the crime weapon.

3. Upon tentative examination of the record, it emerges that although the applicant is attributed a knife assault, the medico-legal evidence reflects injuries to the complainant's hands and shoulder, without corresponding injury to the abdomen, where the alleged blow was ostensibly directed. The prosecution's assertion that the complainant intercepted the blow undoubtedly requires consideration; nevertheless, whether the act was attended by the requisite intention or knowledge constituting an offence under section 324, PPC, cannot be conclusively determined merely from the allegation of an attempted assault. The admitted antecedent altercation, the nature and situs of injuries, coupled with the interval of about two days preceding registration of the FIR, introduce circumstances requiring further

enquiry. The distinction between an attempt to commit qatl-i-amd and an offence of causing hurt, in the peculiar factual setting, therefore remains a matter for evidentiary determination rather than a conclusion permissible at this preliminary stage.

4. It is settled that the prohibitory clause of section 497, Cr.P.C., is not to be applied mechanically merely by reference to the penal provision invoked; the material must prima facie disclose reasonable grounds connecting the accused with the offence carrying the prescribed punishment. Where the requisite ingredients themselves remain reasonably debatable, the case attracts section 497(2), Cr.P.C. The learned trial Court, while declining bail, appears to have accorded determinative significance to the nomination and medical corroboration without adequately addressing the disputed element of murderous intent. The investigation having concluded and the challan having been submitted, continued incarceration of the applicant, in these circumstances, is unwarranted.

5. Consequently, this application is allowed. The applicant Sarfraz Ali is admitted to post-arrest bail upon furnishing a solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a personal bond in the like amount, to the satisfaction of the learned trial Court.

6. The observations herein are tentative, confined exclusively to the question of bail, and shall not influence the trial Court's independent appraisal of evidence.

J U D G E

Shahbaz