

IN THE HIGH COURT OF SINDH AT KARACHI

Before:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

Criminal Bail Application No.2646 of 2026

- Applicants : 1. Zeeshan Ahmed S/o Gul Bahar
2. Maheenullah S/o Naseeb Dad
3. Raqeeb S/o Sani Gul
4. Suleman Khan S/o Rohan Zaib
5. Aminullah S/o Momin Khan
6. Inayatullah S/o Rafiullah
7. Kashif Nazar S/o Nazir Ahmed
8. Shabbir Ahmed S/o Abdul Jabbar
9. Mutiullah S/o Abdul Qadir
10. Syed Naimatullah S/o Syed Jamal Nasir
11. Syed Ehsanullah S/o Syed Jamal Nasir
12. Muhammad Qasim S/o Kamal Khan
13. Danish S/o Muhammad Saleem
14. Syed M. Alam S/o Syed Niaz Muhammad
15. Syed Abdul Qadeem S/o Syed M. Wali
16. Abdullah S/o Wali Muhammad
17. Aurangzeb S/o Muhammad Ishaq
18. Mansoor Ahmed S/o Bashir Ahmed
19. Mahmood Khan S/o Grozai
20. Qudratullah S/o Umar Khan
21. Syed Abdul Wasi S/o Syed Sultan
22. Haji Akram Tareen S/o Mir Alam
23. Amir Khan S/o Abdul Jabbar
24. Muhammad Suleman S/o Nasrullah
25. Jaffar Shah S/o Muhammad Wali
26. Rafiullah S/o Fazal Muhammad
27. Dawood S/o Nazar Khan
28. Dilawar S/o Babrak Khan
29. Dilawar S/o Haji Daulat Khan

FIR No.213/2026
U/S 147/148/149/353/324/188 PPC R/w 7 ATA.
PS. Samanabad, Karachi

Criminal Bail Application No.2647 of 2026

- Applicants : 1. Salar S/o Naimatullah
2. Muhammad Israr S/o Muhammad Moosa

FIR No.213/2026
U/S 147/148/149/353/324/188 PPC R/w 7 ATA.
PS. Samanabad, Karachi

Criminal Bail Application No.2648 of 2026

- Applicants : 1. Muhammad Hashim S/o Abdul Qayyum
2. Shabbir Hashim S/o Muhammad Hashim
3. Musawir Hashim S/o Muhammad Hashim
4. Zahoor Ahmed S/o Ameer Ahmed
5. Sharafuddin S/o Rehmatullah
6. Raheemullah S/o Akhtar Muhammad
7. Musharaf S/o Abdullah

FIR No.212/2026
U/S 147/148/149/353/324/337-A(i)/337-F(i) PPC R/w
7 ATA.
P.S. Samanabad, Karachi.

Criminal Bail Application No.2649 of 2026

Applicant : Jaffar Shah S/o Muhammad Ali

FIR No.214/2026
U/S 23(i)A SAA, 2013
P.S. Samanabad, Karachi.

All applicants represented through M/s. Muhammad Haseeb Jamali, Aamir Nawaz Warraich, Habibur Rehman, Tajuddin Khan, Amanullah Kakar, M. Asghar Khan, Sharafuddin, Khalid Nawaz Marwat, Naseebullah, Ghazi Khan, Zahir Mandokhail, Gharib Shah, Nazir Ahmed and Azmatullah Advocates.

Respondent : The State
Through Mr. Abrar Ali Khichi, Addl. P.G. Sindh.

Date of hearing : 31.08.2026.

Date of order : 31.08.2026.

ORDER

KHALID HUSSAIN SHAHANI, J. – By means of this consolidated order, we propose to dispose of all four connected bail applications preferred on behalf of the applicants, the same having arisen out of Crime Nos.212/2026, 213/2026 and 214/2026. It merits mention at the very outset that the name of applicant Haji Akram Tareen S/o Mir Alam has, through inadvertence, been duplicated at serial No.28 in Crl. Bail Application No.2646/2026. Learned counsel accordingly prays that the said name be expunged from the duplicate entry, and it is ordered to be deleted accordingly.

2. The prosecution's case, in brief, is that on 07.08.2026 the complainant, Syed Ahmed, Incharge Mukhtiarkar Gulberg, accompanied by the Taluka Municipal Officer, Gulberg, and a police contingent led by SHO Adeel Ahmed, proceeded to Quetta Haji Hotel for the purpose of removing encroachments. As the anti-encroachment staff endeavoured to clear chairs placed upon the service road, a mob of fifteen to twenty persons is alleged to have suddenly set upon the anti-encroachment team, wielding iron rods and lathis, in consequence whereof SHO Adeel Ahmed and PC Asif Khan Khattak sustained injuries. The ensuing commotion drew the attention of a mobile patrol of Muhafiz Samanabad police, whereupon the police succeeded in apprehending three of the

assailants, culminating in the registration of Crime No.212/2026. It is further alleged that while the police contingent was engaged in dispersing the assembled crowd, the applicant Jaffar Shah arrived at the scene in a black Toyota, accompanied by Rafiullah, Muhammad Israr and four armed private guards. Simultaneously, some forty to fifty additional persons converged upon the site, obstructing and blockading the road and precipitating traffic congestion; and when the police attempted to clear the thoroughfare, the applicant Jaffar Shah and his companions are alleged to have opened indiscriminate fire with their respective weapons. The police responded with retaliatory fire and succeeded in apprehending twenty-seven assailants, including Jaffar Shah, from whom an unlicensed pistol was also recovered. These events gave rise to the registration of Crime Nos.213 and 214 of 2026.

3. Learned counsel appearing for the applicants submitted that the allegations levelled against the applicants are couched in general and omnibus terms respecting the encroachment operation, and that no specific role has been attributed to any individual applicant in the infliction of injuries upon the injured SHO Adeel Ahmed or PC Asif Khan Khattak. It was further submitted that the injury attributed to PC Asif Khan Khattak is simple in nature and bailable, whereas the injury attributed to SHO Adeel Ahmed, though characterized as Ghayr-Jaifah Hashimah under Section 337-F(v) PPC and punishable up to five years, not falls within the ambit of prohibition contained under section 497 (1) PPC, awaits determination at trial as to whether the ingredients of Section 324 PPC are, in fact, attracted to the circumstances of the case. Learned counsel additionally contended that a video clip in wide circulation on social media depicts members of the police party themselves inflicting lathi blows upon members of the public, including persons seated within the hotel premises, and that Section 7 of the Anti-Terrorism Act has consequently been erroneously invoked, its essential ingredients being inapplicable to the facts at hand.

4. Learned Additional Prosecutor General, Sindh, appearing for the State, opposed the grant of bail on the ground that the applicants' names figure in the respective FIRs and that they were apprehended at the scene of occurrence.

5. It is not in dispute that the names of the applicants find mention in the FIRs and that they were purportedly apprehended at the site of the incident; the allegations against them, however, remain general in character, save in respect of applicant Jaffar Shah, concerning the

infliction of injuries by lathis and iron rods upon the police party, two members of which, namely SHO Adeel Ahmed and PC Asif Khan Khattak, are shown to have sustained injuries. The medical certificates on record, however, disclose that the injury sustained by PC Asif Khan Khattak is simple in nature, while the injury sustained by SHO Adeel Ahmed, though recorded as an undisplaced fracture of the right scapula and classified as *Ghayr-Jaifah Hashimah* punishable up to five years, does not, at this stage, conclusively establish the applicability of Section 324 PPC. We are, therefore, persuaded by the submission advanced by learned counsel for the applicants that the question of whether the ingredients of Section 324 PPC stand attracted to the facts of the case must await determination at trial. It has also been pointed out by learned Additional P.G., Sindh, that the challan has not yet been submitted, and it therefore remains to be examined whether the ingredients of Section 7 of the Anti-Terrorism Act are attracted to the present facts, having regard to the law enunciated in *Ghulam Hussain*¹ case. As regards applicant Jaffar Shah, however, the record discloses his active participation, in that he is shown to have arrived at the scene of occurrence armed with a deadly weapon, accompanied by his guards, making firing upon the police party, such fact is supported by the recovery of empty shells from the venue of occurrence; besides, an unlicensed pistol has been recovered from his possession. Learned counsel for the applicants candidly conceded, during the course of arguments, that a video clip circulating on social media depicts the police personnel themselves resorting to lathi charge upon members of the public at the time of the occurrence; such a contention, however, cannot be examined in depth at the bail stage, it being settled law that only a tentative assessment is permissible at this juncture, with a deeper appreciation of evidence being reserved for the learned trial court. In view of the foregoing, we are of the considered opinion that the applicants, save applicant Jaffar Shah, have made out a prima facie case for further inquiry within the contemplation of Section 497(2) Cr.P.C. Accordingly, they are admitted to bail upon furnishing a surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each, together with a P.R. bond in the like amount, to the satisfaction of the learned trial Court, in each of the respective cases. The bail application of applicant Jaffar Shah, however, stands dismissed, with liberty reserved to him to renew the same before the learned trial Court upon submission of the report under Section 173 Cr.P.C.

¹ PLD 2020 SC 61.

6. It is clarified that the observations recorded hereinabove are of a tentative character and shall not be construed as having any bearing upon the merits of the case of either party at trial. Office to place copy of this order in connected bail applications.

JUDGE

JUDGE