

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI  
Criminal Bail Application No. 1350 of 2021

Date	Order with signature of Judge
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For hearing of bail application :

**20.10.2021** :

Applicant Gul Hassan present in person.

Mr. Muneer Ahmed, Advocate for the complainant.

Mr. Zafar Ahmed Khan, Addl. P.G.

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**NADEEM AKHTAR, J.** – The pre-arrest Bail Application No.2630/2021 filed by the present applicant / accused Gul Hassan and two others in Crime No.324/2021 registered on 03.06.2021 at P.S. Gulshan-e-Maymar Karachi under Sections 324 and 34 PPC was dismissed by the learned X<sup>th</sup> Additional Sessions Judge Karachi West vide order dated 02.07.2021. Through the instant pre-arrest bail application under Section 498 Cr.P.C., the applicant has sought admission to bail in the above mentioned crime. Vide order dated 14.07.2021, interim pre-arrest bail was granted to him subject to his furnishing solvent surety in the sum of Rs.50,000.00 and execution of a P.R. Bond for the same amount to the satisfaction of the Nazir of this Court.

2. According to the subject FIR registered on the complaint of the complainant Noor Muhammad, three persons viz. Shakeel, Ibrahim and Abdul Aziz, who were armed with pistols, entered into his house on 02.06.2021 and opened fire due to which his son Ali Nawaz was injured. Perusal of the FIR shows that all the above named three persons were nominated therein and the present applicant was not nominated therein. It is contended by learned counsel for the complainant that the applicant is the main person on whose instigation the above incident took place. Be that as it may, the contents of the FIR clearly show that the applicant was not present at the time of the alleged incident nor has he been nominated therein. The question whether the applicant has any involvement in the alleged crime or has abetted in the commission thereof cannot be decided without evidence. The guilt or innocence of the applicant is yet to be established as it would depend on the strength and quality of the evidence that will be produced by the prosecution and the defense before the trial Court. Moreover there is a delay of 24 hours in lodging the FIR. In the above circumstances, the matter requires further enquiry in my opinion. The

applicant states that he has joined the trial and is appearing before the learned trial Court on every date of hearing.

3. It is clarified that the observations made herein are tentative in nature which shall not prejudice the case of either party nor shall they influence the learned trial Court in any manner in deciding the case strictly on merits in accordance with law.

4. In view of the above, the applicant / accused Gul Hassan son of Muhammad Hassan has made out a case for the grant of bail. Accordingly, the interim pre-arrest bail granted to him vide order dated 14.07.2021 is hereby confirmed on the same terms and conditions.

This bail application is allowed in the above terms.

J U D G E