

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No. 31 of 2022

Date	Order with Signature(s) of Judge(s)
------	-------------------------------------

For hearing of bail application.

21.02.2022

Mr. Hafeezullah Khan Niazi, Advocate for
applicant/accused.

Mr. Syed Meeral Shah, Additional Prosecutor General.

Through instant criminal bail application, applicant/accused Hafeez s/o. Ghulam Ali seeks post arrest bail in Crime No. 615 of 2021, registered under Section 147/148/149/324/34, P.P.C., at P.S. Baghdadi, Karachi. His earlier applications for the same concession bearing Nos. 4390 and 4654 of 2021 were heard and dismissed by the learned Additional Sessions Judge-VIII, Karachi-South, vide orders dated 30.11.2021 and 28.12.2021.

2. As per F.I.R., on 21.11.2021 at 11:45 p.m. accused persons, namely, Hafeez, Shahmeer, Anzala, Hasnain and other 8 to 10 co-accused persons attacked on the brother of complainant, namely, Abdul Ghaffar and two persons fired on his left leg, who fell down for that the accused persons were booked in the aforesaid F.I.R.

3. After hearing the learned counsel for the applicant as well as learned Additional Prosecutor General and perusing the material available on record it appears that on same set of allegation nominated co-accused Hasnain has been admitted on bail by the learned Additional Sessions Judge-VIII, Karachi-South vide order dated 29.11.2021 on the basis of Affidavit of No-Objection filed by the complainant stating therein that the said accused was not his accused. It further appears that the applicant is in judicial custody since 22.11.2021. Police has submitted the challan; hence, his custody is no more required for further investigation. It also appears that as many as 12 to 14 accused persons have been nominated in the F.I.R. out of them four accused

have been nominated by name but neither the complainant in the F.I.R. nor the injured Abdul Ghaffar in his statement recorded under section 161 Cr.P.C. has nominated the applicant specifically for causing the alleged injury, which is not on the vital part of the body of injured; hence, the guilt of the applicant requires further enquiry as envisaged under sub-section (2) of Section 497, Cr. P.C. entitling him for the grant of post arrest bail. Accordingly, the instant application is allowed, and in result thereof the applicant is admitted to post-arrest bail in the aforesaid crime/offence subject to furnishing by him solvent surety in the sum of Rs.50,000/- (*Rupees Fifty Thousand only*) and PR bond in the like amount to the satisfaction of the trial Court.

4. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

The instant Cr. Bail Application stands disposed of.

JUDGE

Athar Zai