

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Cr. Bail Application No.72 of 2021

Kashif Shabbir  
Versus  
The State

Date	Order with signature of Judge
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1. For orders on office objection at 'A'
2. For hearing of bail application.

**Dated: 19.04.2021**

Mr. Tahir-ur-Rehman for applicant along with applicant/accused Kashif Shabbir present in person.

Mr. Zafar Ahmed, DPG for the State.

Mr. Sarmad Hani for complainant.

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This application is filed under section 498 Cr.P.C. for bail before arrest. Vide order dated 13.01.2021 bail before arrest was declined by IV-Additional Sessions Judge Malir Karachi and the reason assigned while declining the bail was that there were two independent witnesses namely Muhammad Akram and Muhammad Bilal and that there was enmity between applicant and complainant.

I have heard the learned counsel for the applicant as well as complainant. Learned DPG appearing for the State has also assisted this Court, though he has supported the case of the applicant.

The two witnesses namely Muhammad Akram and Muhammad Bilal were not eye witnesses as in terms of their statements under section 161 Cr.P.C. they only deposed what the complainant stated to them. They were not eye witnesses of the incident directly. Furthermore, admittedly there was long standing enmity between applicant and complainant party and one way or the other it cannot be ruled out that

the latter had involved the applicant and falsely inducted him in this case.

It is also a case of ineffective firing and the earlier twice report/FIR lodged by the complainant were closed as 'C' class hence at this stage the applicant has presented a case for bail before arrest as being a case of further inquiry.

Accordingly, in view of above the interim bail granted earlier to the applicant in the sum of Rs.50,000/- vide order dated 15.01.2021 is hereby confirmed.

Bail Application stands disposed of.

**Judge**