

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No. 895 of 2022

<i>Date</i>	<i>Order with signature of Judge</i>
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For hearing of Bail Application.

18.07.2022

Mr. Muhammad Javed Tanoli, Advocate a/w Applicants (on bail).
Mr. Talib Ali Memon, Assistant Prosecutor General, Sindh.
Complainant Esab Khan, present in person.

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicants Ahmed Khan and Ali Khan seek their admission on pre-arrest bail in Crime No.69/2022 of Police Station Baldia, Karachi, under Section 324/147/148/149/109 PPC. The applicants preferred their anticipatory bail before the Court of Sessions wherefrom it was assigned to 1st Addl. Sessions Judge, Karachi (West) vide Criminal Bail Application No.1945/2022 (re-Ahmed Khan and another Versus The State), who after hearing the parties, has turned down their request through order dated 28.04.2022; hence, instant bail application has been maintained.

2. Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with the Court file, therefore, there is no need to reproduce the same.

3. Learned counsel for the applicants submits that per prosecution case co-accused Alam Khan made straight fires upon the complainant as well as his brother Zafar Khan which landed on right side armpit of the complainant and knee of right leg of injured PW Zafar Khan, who is the brother of complainant. The allegation against the applicants is that they allegedly had facilitated the co-accused and the co-accused namely Alam Khan, due to compromise with complainant party, has been bailed out by the trial Court. He; however, has failed to submit copy of said order and makes statement at bar. He, therefore, submits that case against the applicants requires further inquiry, hence, they may be admitted to bail.

4. Learned Assistant P.G, Sindh appearing for the State, in view of above legal position and in view of no objection extended by the complainant present in person extends his no objection.

5. Complainant Esab Khan, present in person, admits contention raised by learned counsel for the applicants and further submits that co-accused Alam Khan has been bailed out on an Affidavit sworn in by him before the trial Court, therefore, has no objection for grant of instant bail application.

6. **Heard arguments and perused record.** Admittedly, the role against applicants is of facilitating the co-accused and main role of causing fire shots of injuries to complainant as well as injured PW Zafar Khan, is assigned to co-accused Alam Khan who, according to complainant present in person, has been bailed out due to compromise effected between them outside the Court. The offence with which applicants stand charged, is compoundable. As far as pendency of main case before the trial Court is concerned, applicants have to file proper application before the trial Court seeking disposal of the case.

7. In the circumstances and in view of no objection extended by learned Assistant P.G, Sindh as well as complainant present in person today, case against the applicants requires further inquiry. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicants **Ahmed Khan son of Khan Baig Khan and Ali Khan son of Ahmed Khan** on 06.05.2022 is hereby confirmed on same terms and conditions.

8. Before parting with this order; however, it is clarified that the reasoning given in this order are tentative in nature and will have no effect whatsoever in any manner upon the merits of the case.

9. Applicants present before the Court are directed to continue their appearance before the trial Court without negligence and in case they may misuse the concession or may temper with the prosecution's evidence then the trial Court is competent to take legal action against them as well to their surety in terms of Section 514 Cr.PC. Trial Court is also hereby directed to make necessary arrangements for securing attendance of the prosecution witnesses and conclude the trial within shortest possible time under intimation to this Court through MIT-II.

10. Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

JUDGE