

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

Crl. Bail Application No. 1256 of 2018

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For hearing of bail application.

17.12.2018

Mr. Muhammad Shafqat Ali, Advocate for the applicant.

Mr. Siraj Ali, APG for the State a/w I.O. of the case.

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Omar Sial, J.: Abdul Azeem Shah has sought post arrest bail in crime number 101 of 2018 registered under sections 302, 324 and 34 P.P.C. at the Quaidabad police station. Earlier, his post arrest bail application was dismissed on 20-8-2018 by the learned 4th Additional Sessions Judge, Malir, Karachi.

2. Mohammad Siraj Shah lodged the aforementioned F.I.R. on 10-3-2018 at 1900 hours reporting an incident that had occurred earlier that day at 0820 hours. He recorded that his father received a phone call from one Sartaj from 0342-0992078 who asked his father to come out of the house. As his father approached the outside door there was noise of gunfire upon which his mother went running towards the main gate of the house and saw that his father was lying in a pool of blood outside. Sartaj was also standing next to him with a pistol in his hand. Upon seeing the complainant's mother, an unknown person who accompanied Sartaj fired at her and a bullet hit his mother on her thigh. Sartaj also fired at the complainant but the bullet got stuck in the chamber of the pistol. Sartaj and his companion then ran towards a jeep in which applicant was sitting. Sartaj and the applicant were beaten by the crowd that had gathered and were given a severe beating whereas their unidentified companion managed to escape.

3. I have heard the learned counsel for the applicant as well as the learned A.P.G who was assisted by the investigating officer of the case. The complainant did not effect presence despite notices. My observations are as follows.

4. By all accounts the act of shooting at the complainant party was not attributed to the applicant. The father of the complainant was fired at by Sartaj whereas his mother was fired upon by the unidentified person who had managed to escape. The F.I.R. records that the applicant was sitting in a jeep outside, which jeep was the escape car according to the prosecution. There is no allegation that he was even armed. Whether the applicant shared a common intention with the two accused who are said

to have fired upon the complainant's parents will have to be decided by the learned trial court after evidence is led at trial. In the foregoing circumstances, further enquiry is required to establish the nexus of the applicant with the crime.

5. Above are the reasons for the short order dated 10-12-2018 in terms of which the applicant was admitted to post arrest bail subject to his furnishing a solvent surety in the amount of Rs. 50,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE