

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 1683 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

07-03-2023

Mr. Aftab Ahmed, Advocate a/w applicant.

Mr. Hashmat Khalid, Advocate for complainant.

Mr. Faheem Ahmed Panhwar, Addl.P.G.

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Omar Sial, J: Mohammad Sharif Jamali has sought pre-arrest bail in crime number 417 of 2022 registered under sections 324 and 34 P.P.C. at the Bilal Colony police station. Earlier, his application seeking bail was dismissed on 06.08.2022 by the learned 1st Additional Sessions Judge, Karachi Central.

2. A background to the case is that the aforementioned F.I.R. was registered on 28.06.2022 on the complaint of one Ahmed who reported an incident which had occurred on 27.06.2022. He was informed by his brother that Sharif (the applicant) and Younus are talking to each other at the Khayyam Stop and that the complainant should also come there. The complainant along with one Abdullah and one Dastagir went to the Khayyam Stop and met with Sharif and Younus. A little while later 2 other men, Himmat Ali and Sohbat Khan, also arrived there on a motorcycle. Sharif and Younus also went to the men who had arrived on the motorcycle and told them that they should kill the complainant party. Himmat then took out a pistol and fired, which fire hit the complainant on his leg.

3. I have heard the learned counsel for the applicant and the complainant as well as the learned Addl.P.G. My observations and findings are as follows.

4. There appear to be a number of questions that arise upon a tentative assessment of the material on record. I have however refrained from making observations lest the case of either party is impacted at trial. Suffice

to say that the applicant was not said to be armed at the time the incident is said to have happened and no role, except presence, has been attributed to him. Whether or not he was actually present and whether or not he can be vicariously liable for the alleged acts of co-accused Himmat, who is said to have fired the only shot, can only be determined after evidence is led at trial. It also appears from the arguments of the counsels that there is a possibility that bad blood between the parties existed over a money transaction. The truth will no doubt be unearthed at trial however at this preliminary stage I cannot conclusively eliminate malafide.

5. In view of the above, the case of the applicant being one of further inquiry, the interim pre-arrest bail granted to the applicant is confirmed on the same terms and conditions. The applicant is directed to fully co-operate with the investigation and in the event he does not, the State may move the requisite application seeking cancellation of his bail. Similarly, if at any stage the learned trial court is of the view that the applicant is intentionally delaying trial, the learned trial court by itself may cancel the bail granted.

JUDGE