

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2321 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

29-03-2023

Mr. Khalid Iqbal, Advocate for applicant.

Ms. Robina Qadir, Addl.P.G.

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Omar Sial, J: Mohammad Irfan has sought post arrest bail in crime number 392 of 2022 registered under sections 324 and 34 P.P.C. at the Manghopir police station in Karachi. Earlier, his application seeking bail was dismissed on 12.09.2022 by the learned 1st Additional Sessions Judge, Karachi West.

2. A background to the case is that the aforementioned F.I.R. was registered on 04.05.2022 on the complaint of Zameer Nasir who reported an offence that had occurred earlier that day. Zameer recorded that he was informed by some children of the locality that 3 to 4 persons were quarrelling with his brother Jawed. Zameer went out to investigate and saw that the applicant and his son along with 2 other persons were beating Jawed. Upon Zameer's intervention, the applicant's son named Irfan attacked Zameer with a knife and Zameer was hit on his back and right hand and elbow.

3. I have heard the learned counsel for the applicant and the learned APG. None effected an appearance on behalf of the complainant on 2 successive dates even though a vakalatnama was filed and the learned counsel's name appears on the cause list. My observations and findings are as follows.

4. The applicant himself was examined medically on 06.05.2022 and the medical report on file prima facie indicates bruises, hurt and a hairline fracture to his forearm, caused to him as a consequence, of what the applicant alleges, was the acts of the complainant. The medical certificate

pertaining to the complainant shows injuries to his hand and forearm and a cut on the left side of his back. Upon a tentative assessment it appears that a minor scuffle probably took place between the parties that has caused injuries to both, the applicant and the complainant. It is therefore to be determined as to who was the aggressor and who was the aggressed in this incident. It cannot be determined at this stage that the injuries caused to the complainant were of such a nature and intensity as to cause his death. The case against the applicant is one of further inquiry.

5. Above are the reasons for the short order dated 28.03.2023.

JUDGE