

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

Crl. Bail Application No. 1823 of 2022

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**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

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For hearing of bail application.

**22-02-2023**

Mr. Abdul Rasheed, Advocate a/w applicant.

Mr. Talib Ali Memon, A.P.G. a/w complainant.

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**Omar Sial, J:** Syed Feroz Ali has sought pre-arrest bail in crime number 79 of 2022 registered under sections 324, 109 and 34 P.P.C. at the Awami Colony police station. Earlier, his application seeking bail was dismissed on 03.09.2022 by the learned 10<sup>th</sup> Additional Sessions Judge, Karachi East.

2. A background to the case is that on the information of a person having been injured in an incident of firing, S.I. Mansoor Ahmed reached the Jinnah hospital. As the injured was in the Emergency Ward, the police officer after seeking permission of the doctor recorded his statement. The victim, Hafiz Mohammad Amjad recorded in his section 154 Cr.P.C. statement that he was on the way back home from work on his motorcycle when he was intercepted by the applicant Syed Feroz Ali and one other identified as Ghulam. The 2 men, already known to the complainant, treated the complainant harshly and told him to withdraw a case which the family of the complainant had filed against one Mufti Mehfooz Ahsan. The complainant attempted to flee but the applicant, who was armed with a pistol, shot at him on his back.

3. Learned counsel for the applicant argued that prior to the incident the complainant was not known to the applicant; that the complainant did not know the name of the applicant; that the dispute which the applicant had was with his brothers and not the complainant; that the complainant has recorded his testimony in the trial court and that he had not implicated the applicant but had jointly leveled the accusation on the applicant and co-

accused Ghulam Rasool was granted bail earlier by this court. The learned APG has opposed the grant of bail.

4. I have heard the learned counsel for the applicant as well as the learned APG who was assisted by the complainant. My observations and findings are as follows.

5. The incident occurred at 8:00 p.m. on 10.02.2022, the F.I.R. had been registered at 11:00 p.m. the same day. The intervening time was taken to take the victim to the hospital and then his section 154 Cr.P.C. statement being recorded. The quickness in the registration of the F.I.R. with the complainant nominating the 2 accused gives support to the genuineness of the case. The medical evidence corroborates the complainant's statement. The parties are well known to each other and thus I am not convinced that the applicant and the victim did not know each other prior to the incident. The victim present in person narrated in court as well as to how the incident unfolded. There is a ring of truth in what he said. He categorically identified the applicant as the person who was armed with a pistol when the two accused had intercepted him. He very honestly said that he did not see the actual fire being shot as the accused were behind him when they fired at him. He did catch a glimpse of them fleeing and as it was the applicant who he had seen armed earlier, he had reasonable grounds to say that the fire was made by the applicant. I have no reason to doubt the statement made by the complainant. As far as the case of the co-accused is concerned, the mere fact that the fire is attributed to the applicant and not the co-accused, puts the case of the applicant on a different footing. He is therefore not entitled to the concession of bail on the ground of consistency. The applicant should have known that his act of firing on the body of the complainant could very well have led to his death. Prima facie the ingredients of section 324 P.P.C. are being satisfied. I also find no malafide on the part of the complainant and as a matter of fact none was argued by the learned counsel for the applicant.

6. Above are the reasons for the short order of earlier today in terms of which the interim pre-arrest bail granted to the applicant earlier was recalled and the bail application dismissed.

JUDGE