

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2345 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

07-04-2023

Mr. Khair Muhammad, Advocate for applicant.

Mr. Abrar Ali Khichi, Addl.P.G.

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Omar Sial, J: Jan Mohammad has sought post arrest bail in crime number 123 of 2022 registered under sections 302, 324 and 34 P.P.C. at the Mochko police station in Karachi. Earlier, his application seeking bail was dismissed on 25.10.2022 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 18.03.2022 on the complaint of Meer Baig who reported an incident that had occurred earlier that date. Baig recorded that he was at home when 4 men, all of whom he identified, came armed and pushed him out of the house. Baig called his elder brother named Gul Mohammad, who arrived on the scene along with other relatives of theirs. Soon 11 persons, all identified, ostensibly armed, and from the rival group arrived. Shots were fired, which resulted in the death of Gul Mohammad and injuries to 2 others. The applicant was one of the 11 persons who had come.

3. I have heard the learned counsel for the applicant as well as the learned Addl.P.G. None appeared on behalf of the complainant despite repeated notices. My observations and findings are as follows.

4. It is obvious from the record that a large scale fight broke out between a large number of persons on both sides. Injuries were caused to both sides, however, the present F.I.R., appears to have suppressed that fact and given a one sided version. No specific role has been assigned to any of the 11 assailants. A general allegation has been raised that all the 11 persons fired. Had all the 11 persons resorted to indiscriminate firing with

the weapons they carried, the result would have been a carnage rather than the death of one person and injuries to 2. The rival group has also lodged an F.I.R. against the complainant group for the same incident, being F.I.R. No. 140 of 2022. There is a delay in the lodging of F.I.R. No. 140 but that delay is attributed to the police not registering the F.I.R. If an F.I.R. for the same incident was being lodged, the police had very rightly declined to register another F.I.R. Although it seems that finally a second F.I.R. was registered, prima facie, against the dictates of the Supreme Court of Pakistan. I have been informed by the learned counsel for the applicant that all nominated accused in F.I.R. No. 140 of 2022 have been granted bail. As it is still to be determined as to who was the aggressor and who was the aggressed, coupled with the fact that this appears to be a case to cross versions and a general allegation has been raised against 11 persons, the case against the applicant becomes one of further inquiry.

5. In view of the above, the applicant is admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs. 500,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE