

IN THE HIGH COURT OF SINDH KARACHI

CR. BAIL APPLICATION NO. 1086 OF 2023

Applicant : Sikandar Khan,
through Syed Israr Ali Shah,
Advocate

Respondent : The State
through Mr. Muhammad Iqbal
Awan, Additional Prosecutor
General Sindh

Complainant : Tikka Khan
Through Mr. Sajjad Gul Khatri,
Advocate

Date of hearing : 16th October 2023

ORDER

Omar Sial, J: Sikander Khan has sought pre-arrest bail in crime number 777 of 2022, registered under sections 324, 337-A(iii) and 34 P.P.C. at the Peerabad police station. Earlier, his application seeking bail was dismissed on 16.05.2023 by the learned 12th Additional Sessions Judge, Karachi West.

2. The background to the case is that Tikka Khan lodged the F.I.R. mentioned above on 26.09.2022. He reported that he has an auto spare parts shop and that earlier that day, three of his relatives, Abdul Qadir, Sikander Khan and Junaid Khan, came to his shop and started talking to him about his sister (who was Sikander Khan's wife). An altercation between the men occurred, during which Sikander pulled out a knife and struck the right side of Tikka's nose. The three accused then left the place.

3. I have heard the learned counsels for the applicant, the complainant, and the learned Additional Prosecutor General. My observations and findings are as follows.

4. Malafide of the complainant in registering this case cannot be conclusively ruled out at this preliminary stage. I am observing because there is CCTV footage showing accused Junaid Khan sitting in his office at

the time the incident is said to have occurred. This, as yet, unproved fact is substantiated by the fact that the first information which the applicant provided to the police just a short while after the incident does not also mention the name of Junaid Khan. Learned counsel for the complainant could not explain the anomaly; however, the learned Additional Prosecutor General did argue that Sikander's name was included in the first report. Be that as it may, the fact that the applicant enlarged the net to bring within its ambit one person does not preclude him from nominating others who may or may not have taken part in the alleged offence. Another area that requires further inquiry is that in the first information given, the applicant did not mention the presence of any dagger or knife in Sikander's hand but instead referred to a "pointed thing". The challan filed in the case reflects that one person named Amin Khan, who was named in the first information provided to the police, was let go as subsequently Tikka Khan told the police that Amin Khan was not present or involved in the instance. It seems that Tikka Khan himself remained unsure as to who to nominate. There is all likelihood that there is family friction behind this alleged incident.

5. I also find it unnatural that the three accused would leave behind the car they came from and the supposed dagger with which Sikander struck Tikka. According to Tikka Khan's own story, he was outnumbered by the accused. The injury caused is not grave.

6. Given the above, the interim pre-arrest bail granted to the applicant is confirmed on the same terms and conditions.

JUDGE