

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 2456 of 2023

Crl. Bail Application No. 2457 of 2023

Applicant : Waqas Shah
through Mr. Saqib Ali Awan, Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan, Addl.P.G.

Date of short order: 15th November, 2023

Date of reasons : 16th November, 2023

ORDER

Omar Sial, J: A police party led by A.S.I. Shaukat Hayat was on patrol duty when it saw a suspicious pedestrian. The police party signalled him to stop, but the suspicious person (who later turned out to be the applicant) fired upon them. P.C. Ali Sher returned fire, and as is nearly the result in all such situations, none of the members of the police party or their mobile van took a hit. The applicant was shot and injured on his legs. He was arrested, and two cases were registered against him. F.I.R. No. 591 of 2023 under sections 324 and 353 P.P.C. and F.I.R. No. 592 of 2023 under section 23(1)(a) of the Sindh Arms Act, 2013, was registered against him.

2. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General.

3. Admittedly, no one from the police side was remotely injured, making the case against the applicant under section 324 one of further inquiry. Section 353 P.P.C. is a bailable offence. The prosecution case, on the very face of it, requires further inquiry. Learned Additional Prosecutor General has struggled to explain the prowess of the Sindh police to zero in on a pedestrian on the crowded streets of Karachi and find him suspicious.

What they found suspicious was never explained. The applicant has no crime record, and it escapes logic that he will start shooting at a police party for no rhyme or reason. In such cases, policemen turn into expert sharpshooters. While they save themselves from a vicious onslaught of the suspicious person, they almost always manage to injure the legs of the suspicious person. Given the above, I am inclined to give the applicant the benefit of the doubt in the case under arms legislation. The weapon has been seized, has not been used in any other crime, and cannot be used further.

4. Above are the reasons for the short order dated 15.11.2023.

JUDGE