

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.1304 of 2023

Order with signature of Judge(s)

- For hearing of bail application

12.07.2023

Mr. Asadullah Burdi, Advocate for the applicant
Ms. Seema Zaidi, Additional P.G alongwith SI/IO Arif Shah, P.S
N.K.I.A West Zone-II, Karachi
Complainant Sohail is present in person

Applicant Zia ur Rehman son of Muhammad Saleem is seeking bail after arrest in Crime No.99 of 2023 registered with P.S New Karachi Industrial Area under Sections 394/393/34 PPC. His bail application was dismissed by the learned Additional Sessions Judge-VII/MCTC-02, Karachi Central vide order dated 02.05.2023, hence the instant bail application.

2. Precise allegation against the applicant/alleged accused is that when complainant alongwith driver and guard were returning back from the Bank after collecting cash, two unidentified persons tried to stop them by pointing pistol, to which the driver accelerated the vehicle, however at another point, their 2 more companions came and the person sitting on the back side of the motorbike started firing on the vehicle and the guard Saad Rasool got bullet injury, so also the front screen of the vehicle got damaged.

3. It is *inter alia* contended that the applicant is innocent and present case has been foisted upon him during his arrest in another case under Section 23(1)(a) of Sindh Arms Act, 2013. It is further contended that during identification parade the complainant did not identify the present applicant and the case is one of further inquiry.

4. On the other hand learned Additional P.G admitted that the complainant has not identified the present accused during the identification parade, however stated that there is no malafide on the part of the police. She prayed for cancellation of bail plea of the applicant/accused.

5. After hearing contentions of the learned counsel for the applicant as well as learned Additional P.G and perusal of relevant record, it is observed that the complainant did not identify the present applicant

during identification parade and the parade was conducted in accordance with Rules and Guidelines.

6. In view of the above legal position, I am of the view that the applicant has successfully made out a good *prima facie* case of “further enquiry” as envisaged under sub-section (2) to Section 497 Cr.P.C. Accordingly, instant Criminal Bail Application is hereby allowed. Consequently, applicant Zia ur Rehman son of Muhammad Saleem is admitted to bail subject to furnishing solvent surety in the sum of Rs.20,000/- (Rupees Twenty Thousand) and PR bond in the like amount to the satisfaction of the Nazir of the trial Court.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

JUDGE

B-K Soomro