

**IN THE HIGH COURT OF SINDH AT KARACHI**

Crl. Bail Application No. 2422 of 2024  
Crl. Bail Application No. 2498 of 2024

Applicants : Muhammad Jan, Shahid Shah and  
in B.A. No.2422/2024 Kifayat Shah  
through Mr. Shams-ul-Hadi,  
Advocate

Applicant : Ameer Azam  
in B.A.No.2498/2024 through Mian Haad A.M.  
Pagganwala, Advocate

Respondent : The State  
through Mr. Saleem Akhtar Buriro,  
Additional Prosecutor General  
Sindh

Complainant : Muhammad Akram  
through Mr. Arshad Ali, Advocate

Date of hearing : 17<sup>th</sup> December, 2024

Date of Order : 24<sup>th</sup> December, 2024

**ORDER**

**Omar Sial, J:** Muhammad Jan, Shahid Shah, and Kifayat Shah (through application 2422 of 2024) have sought pre-arrest bail in crime number 1073 of 2024 registered under sections 302, 324, 147, 148, 149, and 34 P.P.C. at the Site Super Highway police station in Karachi. **Ameer Azam** (through bail application number 2498 of 2024) seeks post-arrest bail for the same crime.

2. The F.I.R. mentioned above was registered on 19.09.2024 on the information provided by Mohammad Akram. Akram recorded that he and his son Mohammad Shahzad, both labourers, were at a work site when the applicants came with approximately fourteen other armed men. The armed men

opened fire on the complainant and his son, in which his son died. One of the witnesses, Shah Alam, disclosed that two men named Haneef and Fahad had fired at the complainant and his son.

3. I have heard the learned counsel for the applicants and the learned Additional Prosecutor General, who was assisted by the complainant's counsel and the complainant. My observations and findings are as follows.

4. I have been informed that the investigating officer has not managed to collect any evidence against the applicants to date. To the contrary, the learned counsel for the complainant categorically stated that the complainant had not even named the applicants nor identified them as being amongst the assailants. He submitted that the names were included in this case solely due to the malafide of the investigating officer. The complainant endorsed the submission made by his counsel. The investigation officer was summoned at a previous hearing of this case to explain the position, but he intentionally avoided appearance. The complainant's categorical denial that the applicants were among the assailants, coupled with no other evidence against the applicants collected by the investigating officer, indeed put the learned Prosecutor General in a difficult position.

5. Given the above, the case against the applicants requires further inquiry. Muhammad Jan, Shahid Shah, and Kifayat Shah's pre-arrest bail applications are confirmed on the same terms and conditions. Ameer Azam's post-arrest bail application is also allowed on the same terms and conditions as those whose pre-arrest bails have been confirmed. The surety may be deposited before the Nazir of this Court.

**JUDGE**