

**IN THE HIGH COURT OF SINDH CIRCUIT COURT,  
HYDERABAD.**

**Criminal Bail Application No.S-1048 of 2024  
Criminal Bail Application No.S-1049 of 2024**

Applicant: Sabir Hussain through Mr. Badal Gahoti,  
advocate.

The State: Through Ms. Sana Memon, Assistant  
Prosecutor General, Sindh alongwith ASI  
Syed Intizar Ali Shah, PS Matiari.

Date of hearing: 13.01.2025.

Date of Order: 13.01.2025.

**ORDER**

**ZULFIQAR ALI SANGI, J** – Through Criminal Bail Application No. S-1048/2024, the above-named applicant seeks post-arrest bail in Crime No. 63/2024 under Sections 324, 506(ii), 504, 147, 148, 149, and 109 PPC, registered at Police Station Saeedabad, District Matiari. Similarly, through Criminal Bail Application No. S-1049/2024, he seeks post-arrest bail in Crime No. 68/2024, registered at the same police station under Section 25 of the Sindh Arms Act, 2013. These applications arise after his bail pleas in both cases were dismissed by the learned Additional Sessions Judge, Hala, through separate orders dated 05.09.2024.

2. Brief facts of the case as per FIR No.63/2024 are that on 26.06.2024, the complainant and his father were intercepted by five accused individuals riding two motorcycles on the Link Road near Fatehpur Shakh. Accused Rashid, at the instigation of accused Mehro Balal, hit pistol to the complainant's father, Daleel Balal, on his stomach. Accused Sadam fired a pistol at his father's tastes, while applicant/accused Sabir Balal shot at his father's right knee and fled away from the spot, hence this FIR.

3. According to FIR No.68/2024 applicant/accused was arrested in abovementioned FIR No.63/2024 and at the time of his arrest an unlicensed pistol was recovered from his possession hence, this FIR u/s 25 of Sindh Arms Act, 2013.

4. Learned counsel for the applicant submits that the applicant/accused caused blow of pistol over the right knee of injured which is non-vital part of the injured and intention of killing is lacking in

the instant case, therefore, Section 324 PPC is misapplied; that co-accused Hameed Ali and Dilshad alias Mohsin have been granted bail vide order dated 20.07.2024 hence, present applicant is also entitled for the same concession.

5. Learned APG opposes the bail applications, arguing that the applicant is directly nominated in the FIR, with a specific role. The medical evidence supports the prosecution's case, and the recovery of the pistol further strengthens the case. Therefore, the applicant is not entitled for grant of bail.

6. I have considered the arguments advanced by the learned counsel for applicant, learned APG and have carefully perused the record.

7. After careful consideration of the arguments presented by both parties and the material on record, it is evident that the applicant is directly implicated in both FIRs, with specific and overt roles attributed to him. In FIR No. 63/2024, the applicant is accused of causing firearm injury to the complainant's father on his knee, which, while a non-vital part of the body, does not negate the intent or gravity of the act, particularly given the presence of multiple accused acting in concert. The provisions of Section 324 PPC are prima facie attracted in light of the medical evidence and the allegations.

8. Furthermore, in FIR No. 68/2024, the recovery of an unlicensed weapon from the applicant's possession further corroborates the prosecution's case and connects the applicant with the offenses. The concession of bail extended to co-accused is distinguishable, as their roles differ significantly from that of the applicant, who is attributed with active participation and direct involvement in the alleged offenses. It is a well-established legal principle that a deeper appreciation of the evidence is not required at the bail stage, and assessing the merits of the case would be inappropriate at this point. As a result, the applicant/accused has failed to establish a case for the grant of post-arrest bail. Accordingly, both Bail Applications stand dismissed.

9. The observation made hereinabove are tentative in nature shall not prejudice the case of either party at the trial.

**J U D G E**