

**ORDER SHEET**

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

**Cr. Bail Application No.S-79 of 2024**

| <b>DATE</b> | <b>ORDER WITH SIGNATURE OF JUDGE(S)</b> |
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1. For orders on office objections.
2. For hearing of main case.

**05.08.2024.**

Mr. Shafi Muhammad Pirzada, Advocate for Applicant.

Mr. Siraj Ahmed Bijarani, Assistant P.G alongwith Inspector Manzoor Ali on behalf of SSP Hyderabad and SIP Ghulam Hussain Solangi SHO P.S Husri/I.O of the case.

**ORDER**

**ZAFAR AHMED RAJPUT, J.-** Through instant Criminal Bail Application, applicant / accused Kaleem Ahmed son of Shabir Ahmed seeks pre-arrest bail in Crime No.233/2023 registered at Police Station B-Section Latifabad, Hyderabad for offences under Sections 397, 365, 511, 427, 324 PPC. His earlier application for the same relief bearing Cr.B.A.No.3178 of 2023 was heard and dismissed by the learned VIIIth Additional Sessions Judge, Hyderabad vide order dated 29.11.2023. He was admitted to interim pre-arrest bail by this Court vide order dated 22.01.2024, now the matter is fixed for confirmation of interim bail or otherwise.

2. Briefly the facts of the prosecution case are that on 02.11.2023 at 02:30 p.m. applicant/accused alongwith co-accused Salman Ahmed Askari, Atif and Osama Hafiz in furtherance of their common intention, in order to commit Qatl-i-Amd, attacked upon the complainant party outside the Shah Latif Taluka Municipal Office situated in Unit No.09 Latifabad, Hyderabad. Accused Amanat and Kaleem made fires upon complainant; he fell down, the bullet hit to his gunman Gul Hassan at his left hand and then accused Kaleem torn shirt of complainant, snatched Rs.250,000/-, gold ring and chain, one Rado wrist

watch and original CNIC; they also attempted to kidnap complainant but due to intervention of local people, they fled away from the scene of occurrence; hence, present FIR was lodged.

3. Learned Counsel for applicant/accused has contended that applicant/accused is innocent and has been falsely implicated in the present case due to malafide intention and ulterior motives; that FIR has been lodged with delay of three days and no plausible explanation has been furnished for such an inordinate delay; that alleged incident has occurred in a thickly populated area and no independent witness has been cited in this case as so many people were gathered there; that co-accused Amanat Ali has been admitted on bail by this Court vide Criminal Bail Application No.1313 of 2023 and therefore applicant is also entitled for the same relief on a rule of consistency; that the present case is an outcome of political rivalry as the applicant/accused is supporting PTI party and being so he has been involved in the present case, otherwise he has no nexus with the offence alleged against him; that final Medical Certificate issued by the MLO reveals that injured has sustained injury due to hard and blunt weapon instead of firearm injury as alleged by the complainant.

4. On the other hand, learned APG has vehemently opposed this application on the ground that the applicant is involved in a case of dacoity.

5. Heard and record perused.

6. It is an admitted position that after investigation Police has submitted the charge sheet against the accused persons wherein Sections 365, 511, 427 and 397 PPC have been deleted while the challan has only been submitted for the offences under Sections 337-F(vi), F(i), A(i), 147, 148 and 149 PPC. It is also an admitted position that the injury allegedly caused to

injured Gul Hassan is not outcome of any firearm but by using of hard and blunt substance as per medical report. It is also an admitted position that the applicant has not been implicated in the FIR with specific role of causing injury to gunman of the complainant which role infact has been attributed to co-accused Amanat who has already been admitted to bail. The case of the present applicant is otherwise on better footings for the grant of bail; hence, this bail application is allowed. Consequently, interim pre-arrest bail already granted to applicant vide order dated 22.01.2024 is confirmed on same terms and conditions.

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 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.

Criminal Bail Application stands disposed of.

JUDGE

Shahid