

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No. 2903 of 2024

Date

Order with Signature of Judge

For hearing of Bail Application

11.02.2025

Mr. Irshad Khan Yousufzai, Advocate a/w Applicant (on bail).
Syed Mumtaz Ali Shah, Assistant Prosecutor General, Sindh along
with SI Mushtaq Ahmed.

ORDER

ALI HAIDER 'ADA'-J:- Through this bail application, applicant Muhammad Kamil Khan son of Ameer Hatim seeks pre-arrest bail in Crime No.556 of 2024 for the offence punishable under Section 506-B, 504, 427 & 34 PPC registered with P.S Mominabad, Karachi. The applicant preferred his anticipatory bail before the Court of Sessions wherefrom it was assigned to Addl. Sessions Judge-XII, Karachi (West), who after hearing the parties, has turned down his request through order dated 10.12.2024; hence, instant bail application has been maintained.

2. The nutshell of the prosecution's case is that on 01.06.2024 when the complainant was out from his shop and his son along with other friends was available in the shop where accused Muhammad Kamil Khan along with two other persons came at about 02:00 P.M, who pointed pistol and issued threats and shut down the shutter of the shop. The incident was reported before the Justice of Peace bearing Petition No.3992 of 2024 wherefrom after getting order, the incident was reported to the concerned police station.

3. Learned counsel for the applicant submits that it is admitted in FIR that there is a dispute between the parties on a shop and only the allegation against applicant is that he pointed pistol without using the same, as the incident under Section 506-B PPC is only added on account of

registration of the FIR otherwise all the offences are bailable as well as non-cognizable, so he prays for grant of bail.

4. Learned Assistant P.G, Sindh appearing for the State, supports the impugned order and submits that applicant is specifically nominated in the FIR by using the weapon as well as issuing threats.

5. Heard arguments and perused the material available on record.

6. Section 506-B PPC defines issuance of threats of dire consequences as well as grievous hurt while in the FIR it is nothing mentioned about which kind of the threats were issued by the applicant to the complainant party while so far in the FIR it is admitted that they have some dispute over a shop, further the Section 427 PPC as well as 504 PPC are bailable, in order to establish the offence under Section 506-B PPC, the evidence is required, so it is yet to be determined by the trial Court at the time of trial. It is a solid and valid ground for the bail on the point that once the matter requires further inquiry, then bail be granted.

7. In view of such circumstances, the applicant has made out his case for confirmation of his bail. Accordingly, instant bail application is hereby allowed; interim bail granted earlier to applicant on 12.12.2024 is hereby confirmed on same terms and conditions.

8. Applicant present before the Court is directed to continue his appearance before the trial Court without negligence and in case, he may misuse the concession or may tamper with prosecution's evidence then the trial Court would be competent to take legal action against him as well as his surety.

9. It need not to iterate that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial.

JUDGE